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THE NEW RULES FOR THE EUCHARISTIC FAST

On Jan. 6, 1953, Pope Pius XII issued an Apostolic Constitution of supreme importance, entitled (from the opening words) *Christus Dominus*, which became effective on the day of its promulgation in the *Acta Apostolicae Sedis*, Jan. 16, 1953. Simultaneously with the promulgation of this Constitution, the Holy Office issued an official Instruction, explaining and interpreting the papal pronouncement, and even adding certain points not found in the Constitution itself. Both Constitution and Instruction have appeared in the March issue of *The American Ecclesiastical Review*; hence, they will not be quoted to any extent in this article.

The history of the law of the eucharistic fast, which is presented briefly in the Constitution, illustrates the extraordinary concern of the Church from the very beginning that her members manifest their reverence for the divine food of Our Lord's Body and Blood by abstaining before Holy Communion from material food. Even from the third and fourth centuries—as we know from the writings of Tertullian[1] and St. Basil[2]—there are clear indications of at least a custom to observe a complete fast in preparation for the reception of the Holy Eucharist. Conciliar legislation had rendered this fast a practically universal obligation by the fifth century; and with the passing of time the law became more detailed and explicit, in both the West and the East. In the beginning more emphasis was placed on the obligation of fasting for priests before offering the Holy Sacrifice; but there is little doubt that the same law of fasting was binding on lay communicants also. Sometimes it was even prescribed that the fast should be continued for several hours after the reception of the Holy Eucharist. Even infants, to whom the Blessed Sacrament was administered after baptism in the early ages of the Church, were supposed to be fasting, at least from the reception of baptism to the reception of Holy Communion.[3]

[1] *Ad uxorem*, L. II, cap. 5; *MPL*, I, 1296.

[2] *De jejunio, Homilia I*, n. 6; *MPG*, XXXI, 171.

[3] Cf. Anglin, *The Eucharistic Fast* (Washington, D. C.: The Catholic University of America Press, 1941), pp. 5-56.

However, although the law of the eucharistic fast was maintained most strictly, it was recognized that some exceptions were in order, especially in the case of the Viaticum. Thus in the Decree of Burchard, issued in the eleventh century, it is stipulated that one in danger of death need not be fasting for the reception of Holy Communion.[4] With the passing of the centuries other exceptions were acknowledged, such as the need of preventing irreverence to the Blessed Sacrament,[5] Holy Communion after receiving the salt at baptism,[6] the necessity of completing the Holy Sacrifice,[7] etc. Furthermore, beginning with the concession of Pope Pius X in 1906, whereby the sick could receive Holy Communion after taking liquids,[8] dispensations from the law of the eucharistic fast became more frequent. This leniency on the part of the Church showed itself especially after the beginning of World War II, although even previously great concessions had been made for the sake of Catholics in Russia.[9]

However, the changing conditions of modern times clearly pointed to the need of some revision in the rules for the eucharistic fast, and our present Holy Father, so alert to the special needs of our day, so willing to employ his supreme apostolic authority for the benefit of souls, has given us in *Christus Dominus* a wise and generous adaptation of these laws to the present world conditions. His rulings are not motivated by the idea that the traditional law of the eucharistic fast is in itself too severe, nor by a fear that there is any attitude of rebellion against the legislation of the Church on the part of Catholics. He is rather moved by the realization that the conditions of modern times are such that many members of the Church, despite their good will, are unable to receive Holy Communion as often as they desire because they cannot observe the eucharistic fast as it has been hitherto interpreted and imposed. Because Pius XII ardently desires that "the hunger for this heavenly bread and the thirst for the divine Blood may become more ardent in persons of every age and of every walk in life," he has mitigated the legislation heretofore

[4] *Decretum Burchardi*, L. V, cap. 35; *MPL*, CXL, 759.
[5] Can. 858, §1.
[6] *Rituale romanum*, tit. II, *Ordo baptismi adultorum*, n. 52.
[7] *Missale romanum*, *De defectibus in celebratione Missarum occurentibus*, X, 3.
[8] *ASS*, XXXIX (1906), 499-510.
[9] Bouscaren, *Canon Law Digest*, II (Milwaukee: Bruce, 1943), p. 202.

prevailing in the matter of the eucharistic fast. He presents many reasons—the laborious life of those who are employed, even at night, in factories and other industrial activities, the physical weakness brought on by the cruel wars of the present century, the lateness of the hour in which Mass is sometimes celebrated, the burdens imposed on priests by the sacred ministry in recent times, especially since the number of apostolic workers is not adequate, the difficulty that children experience in receiving Holy Communion on week days when they must go to school immediately after Mass, etc. Because of such conditions, the Sovereign Pontiff has made some very generous modifications of the law prevailing up to the present.

Although the presentation and the explanation of these new concessions in the Constitution and the Instruction are as clear and definite as could be given in such concise form, further exposition and interpretation are required from theologians and canonists for the proper solution of the many problems which the priest engaged in the care of souls will surely encounter. The purpose of this article is to study the new regulations in their relation to the principal problems that the priest is likely to meet, in reference to the observance of the eucharistic fast, both as regards the celebration of Mass and the reception of Holy Communion. We shall discuss the subject according to the six norms or rules enumerated in the Constitution in the light of the further explanations provided by the Instruction. It may be suggested, as a practical procedure, that our readers keep before them a copy of the Constitution and the Instruction as they peruse this article.

I. The law of the eucharistic fast continues to bind all those who do not come under the exceptions to be expounded later. The purpose of this initial statement of the Constitution is to emphasize the important fact that the concessions now granted by the Holy See must not be used as an occasion for lax interpretation or carelessness in regard to the law commanding a natural fast preparatory to the reception of the Blessed Sacrament.[10] Thus, the beginning of the time for the observance of this fast is the moment of midnight; and this must be taken literally. There have been, indeed, some authors who believed that there can be

[10] Can. 808; 858, §1.

parvitas materiae in the computation of the time for the beginning of the eucharistic fast,[11] but this view has been rejected by all reliable theologians for centuries, and is explicitly excluded by *Christus Dominus* in the statement that the fast binds *a media nocte*, which is contained in this first rule. Of course, the principle enunciated in Canon 33, §1, which allows one to follow either usual, local, true, mean or legal time in determining the moment of midnight with reference to the eucharistic fast, still continues to be applicable.

From this same rule it follows logically that the previously accepted principle, that there is no *parvitas materiae* in respect to food or drink that would break the eucharistic fast also still holds. Thus, even a small particle of solid food taken after midnight is an obstacle to the celebration of Mass or the reception of Holy Communion that day, except in the case of those who have the right to celebrate an evening Mass or to receive Holy Communion in connection with such a Mass; and even a small amount of beverage, except water, taken by one who has no right to such beverage before Mass or Holy Communion (in accordance with the rules that follow) prevents *sub gravi* the celebration of the Holy Sacrifice or the reception of Holy Communion.

By a logical application of this same principle it follows that the computation of time-periods mentioned in this new legislative enactment must be taken exactly, not approximately. Thus, the hour that is to intervene between the taking of liquids and the reception of Holy Communion must be a full sixty minutes; and the three hours' abstention from solids required for evening Mass and Communion must be reckoned with equal exactness. If a lay person, attempting to estimate the hour by a narrow margin, finds when Holy Communion is being given that he took a cup of coffee fifty-eight minutes previously, he must defer his Communion until after Mass or attend another Mass to receive the Blessed Sacrament, unless by waiting for the final rail of communicants he can observe a full hour of fasting.

Similarly, the priest must not only compute his hour or three hours of fasting exactly, in the case of a late Mass or an evening Mass respectively, but must also take literally the hour of 9 a.m.,

[11] Cf. Cappello, *De sacramentis* (Rome, 1938), I, n. 508.

since a *late* Mass may begin only *after* this hour (at least a second later). Similarly an evening Mass may not begin *before* 4 p.m., and this rule may not be transgressed even by a few seconds. My opinion in regard to the gravity of this legislation is that it binds just as severely as the computation of midnight—that is, *sub gravi* with no *parvitas materiae*. The whole tenor of the Constitution, insisting that Catholics limit themselves strictly in making use of the permissions it grants, points to such an uncompromising interpretation. It should be noted that the computation of the time-period in respect to the celebrant of the Mass must take as its *terminus ad quem* the moment of the *beginning* of the Mass, *not* the priest's Communion or any earlier portion of the sacred rite. For, although the phrase "antequam sacra operentur" of the Constitution and "ante Missae celebrationem" of the Instruction are not explicit on this point, the other expression of the Instruction, "ante Missae initium," makes it certain that the priest must observe a complete hour (or three hours) before the beginning of the Mass, when he makes use of the privileges granted by *Christus Dominus*. However, in determining the hour for the beginning of the Mass, any of the systems of time mentioned above may be used when the Mass is a *private* Mass.[12] It should be noted that a Mass celebrated in a church before a congregation is a private Mass, in the sense here intended, as long as it is *without solemnity*.[13]

The first rule goes on to state that it is now a general and common principle that natural water does not break the eucharistic fast. Hence, the statement in the Missal that a priest may not celebrate Mass "etiam post sumptionem solius aquae"[14] no longer holds. The permission to drink plain water is not to be regarded as a dispensation from the law. It is rather an *extensive interpretation* of the phrase "natural fast." In other words, the law prescribing the eucharistic fast, as it is now authentically interpreted by the Church, no longer forbids either the celebrant or the communicant to take water in any quantity, at any time,

[12] Can. 33, §1.

[13] Cf. Cicognani, *Canon Law* (Westminster, Md: Newman Bookshop, 1934), p. 677.

[14] *Missale romanum, De defectibus in celebratione Missarum occurentibus*, IX, 1.

before Mass or Holy Communion. It does not break the eucharistic fast any more than it breaks the ecclesiastical fast on a day in Lent. Unlike the other beverages to be mentioned in the later rules, water may be taken even though there is not the slightest inconvenience in observing the eucharistic fast without it.

The Constitution requires that the water be *natural* water, and the Instruction explains this as water "without any addition of any element whatever." This poses some problems. In the first place, water obtained from a spring or lake often contains slight amounts of iron, sulphur, calcium, etc. This would certainly not prevent its use before Holy Communion, since it is surely natural water. Indeed, I doubt very much if pure H_2O is very common. Rain water is surely natural water, as would also be water from melted snow or ice, despite some impurities. But the difficulty centres about water to which something has been added as a means of purification and disinfection, such as chlorine or fluoride. I believe that such water—which is all that we can obtain from the public supply in many American cities—is not excluded on the score that it is not natural water (despite the slight additions), since in common parlance it is referred to as natural or plain water. On the other hand, water to which sugar or orange juice or lemon juice has been added, even in small quantity, would not be allowed. Whether carbonated water is permissible, I believe is uncertain, though I am inclined to believe that it is. Perhaps a later decision from the Holy See will give us more details on these points.

II. The sick may take both medicine (including solid medicine, such as pills) and liquid nourishment (excluding alcoholic drinks), with the prudent advice of a confessor, any time before Holy Communion, if they cannot observe the eucharistic fast without grave inconvenience. Priests who are sick but still able to say Mass may make use of this concession before they offer the Holy Sacrifice. It is evident that this rule is analogous to the privilege contained in Canon Law[15] for the benefit of those who have been sick for a month. However, in several points the new ruling is different. There is no need of waiting now for a month's illness; even those who are not "laid up" (*decumbunt*) may now avail themselves of the concession; priests may use this permission for

[15] Can. 858, §2.

the celebration of Mass; the right to take medicine or beverages may be used even for daily Holy Communion or Mass, instead of once or twice a week. On the other hand, the new legislation explicitly excludes alcoholic liquors, whether classified as beverages or as medicine. This permission may not be used without the *prudent advice of a confessor*, and the Instruction tells us that the confessor may give this advice either in confession or outside the sacred tribunal, and that as long as the same conditions of health last for the recipient he may continue to use the permission. Evidently, one who is troubled by a chronic ailment, such as asthma or stomach ulcers, may for years take medicine or liquids (e.g. milk) by virtue of one consultation with a confessor.

There seems to be no reason why a person cannot be classified as sick even though his bodily affliction is of a temporary character, such as a severe headache which would be greatly relieved by an aspirin tablet. Moreover, it should be noted that the counsel of the confessor may be sought after the medicine or beverage is taken but before the reception of Holy Communion, since it is precisely *Holy Communion without fasting* that the confessor allows rather than the *breaking of the fast before Holy Communion.* Thus, if a person awakens early in the morning feeling greatly in need of medicine, he may take it, then approach a confessor before receiving the Blessed Sacrament to consult about the use of the concession in question. It is well to repeat that for persons in this category the medicine or beverage may be taken up to the time of Communion or Mass.

The rule calls only for the *prudent advice* (*de prudenti consilio*) of a confessor, not his permission or a favorable counsel. Strictly speaking, one might receive the advice that the conditions are not fulfilled and yet act against this advice from an opposite conviction, but surely such conduct would ordinarily be imprudent and rash. It is evidently the mind of the legislator that normally the petitioner may receive Holy Communion after taking medicine or beverage only if the confessor judges the conditions realized. In passing judgment, a confessor should follow a middle course. On the one hand, he may not approve the use of the faculty merely because of a slight ailment which renders the observance of the eucharistic fast somewhat onerous, because the Instruction refers this rule to the sick who cannot keep the fast

without *grave* inconvenience. But, on the other hand, it would not be necessary to demand a type of illness that would prostrate a person unless he has medicine or liquid nourishment. The axiom: "Old age is a sickness" can be reasonably used to extend this privilege to old folks who, though not suffering from any specific ailment, experience considerable difficulty in fasting for Holy Communion, even when the Mass is comparatively early.

Must the confessor be a priest possessing faculties for the Sacrament of Penance in the place where the concession is granted? The first English translation of the Instruction seemed to indicate this, for there was a sentence which read: "By *confessor* here is understood a priest who has the faculty to hear the confession of a person who turns to him for advice on this question." But this sentence does not appear in the authentic text of the Instruction in the *Acta Apostolicae Sedis* for Jan. 16, 1953.[16] Only the single word "confessor" is used both in the Constitution and in the Instruction; consequently, it seems quite permissible to hold that a priest having faculties anywhere can give the needed advice anywhere.

In any event, the obligation of seeking the advice of a confessor does not seem to bind *sub gravi*, at least when there is question of transitory illness, when the person seeking the concession is capable of judging for himself that the necessary conditions are fulfilled in his case. Such is the opinion of Cappello in interpreting the privilege granted by the Code in Canon 858, §2.[17]

Must a priest seek counsel from another priest before he may in his own case lawfully use this favor for the sick, either to celebrate Mass or to receive Holy Communion? This question is not solved explicitly by the Constitution or Instruction. However, the second sentence of rule II, referring to priests, states that they may celebrate Mass by virtue of this same faculty and makes no mention of the need of approaching another priest. From this it may be assumed with sufficient probability, I believe, that the sick priest can judge of his own case. Needless to say, he must try to be perfectly objective; and in any event, it would be advisable for a priest to seek the advice of a confessor before he uses this concession.

[16] *AAS*, XLV, 1 (Jan. 16, 1953).

[17] Cappello, *op. cit.*, n. 506.

III. This rule refers to priests who may be perfectly healthy, and grants them the right to take liquid nourishment (to the exclusion of all alcoholic beverages) up to one hour before the beginning of Mass if they come under any one of three conditions explicitly designated by the Constitution—a late hour for the celebration of the Holy Sacrifice (according to the Instruction, a Mass which begins after nine o'clock), onerous work in the sacred ministry before Mass (such as preaching, hearing confessions) or a lengthy journey to the place where Mass is to be offered. I would regard a full hour of ministerial activity as sufficient to put a priest in the second category. The lengthy journey required for the third condition is specified in the Instruction as two kilometres (about 1 ¼ miles) on foot. The proportionate distance by car, presupposing favorable conditions, would seem to be about 15 or 20 miles; but if the roads are bad or if a slower mode of transportation is used, such as a bicycle or a horse-drawn vehicle, a shorter distance would surely suffice.

Under liquid nourishment (which can be taken even several times) is included such beverages as coffee (with sugar), milk, fruit juices, egg-nog (non-alcoholic), soup (even with rice or broken crackers), weak cereal, etc.—in a word, anything that can be drunk rather than eaten.[18]

A priest does not need to consult another priest in order to avail himself of the permission granted in this third rule, if he is sincerely convinced that he is included in one of the three categories to whom the right to take liquid nourishment is granted. Neither does it seem that a priest, in order to use this faculty, must be in a situation in which he *must* say a late Mass. For example, if a priest on vacation chooses to say a late Mass because a group of relatives or friends will thereby be able to attend, or because he is lawfully taking a long sleep, he would be entitled to the concessions granted by this rule. A priest who has inadvertently taken a drink (non-alcoholic) after midnight could wait until after nine o'clock and then celebrate Mass, even if otherwise he would celebrate at an earlier hour.

IV. This is concerned with priests who celebrate (with proper permission) two or three Masses on the same day. They may (but need not) take the ablutions (two ablutions) *of water only*

[18] Cf. Anglin, *op. cit.*, 138.

in the first Mass (or first two Masses, if they trinate). However, if a priest inadvertently takes the ablutions with wine, he need not on that account abstain from saying the other Mass (or Masses) which he had planned. Evidently this covers the case of a priest whose second (or second and third) Masses are merely *ex devotione*, as on All Souls' Day. When the priest does not leave the altar between consecutive Masses (as may happen on Christmas or on All Souls' Day) he should abstain from the ablutions, but even then if he takes them forgetfully, he may say the other Mass or Masses.

In the case of bination (or trination) the question might arise —which is not explicitly settled by the Constitution or the Instruction—whether a priest who is deputed to celebrate an early Mass and a late Mass may use the permission granted by rule III to take liquid nourishment before the first Mass in view of the second Mass. For example, a priest is assigned to say Masses on Sunday at 8:30 and 10 o'clock. He will not finish the first Mass in time to have liquid nourishment before the second Mass. May he take some nourishing beverage before the first Mass, on condition that he observes one hour's fast before going to the altar? I believe this is permissible; otherwise the priest who says only one Mass (at 10 o'clock) would be better off than the priest who says an earlier Mass also.

V. This is the rule which doubtless will occasion most questions and problems. It concerns the members of the laity who find it gravely inconvenient to observe the strict eucharistic fast because of one of the three reasons already mentioned (treating of priests)—hard work, the lateness of the hour, a long journey before Holy Communion. Under workers who have a reason to seek the use of this faculty come particularly those who must labor in the early morning hours, such as hospital nurses, factory employees on the "night shift," policemen, etc,, as well as those who have pressing duties in the home before coming to Mass. The Instruction mentions explicitly pregnant women and mothers of families who must occupy themselves around the home for a long time beforehand. For "a long time" one hour of strenuous labor would seem sufficient. The length of the journey necessary to get to church is to be computed as was done under rule III. The advice of a confessor is to be sought, as in the case of the

sick treated under rule II; though, as was stated there, a person who has not the opportunity to consult but is sure that the requisite conditions are fulfilled in his case could lawfully make use of the concession in an individual case.

One who fulfils the requirements of this rule may take liquid nourishment (such as is permitted to the sick under rule II), but he must abstain from such beverages for at least one complete hour before receiving Holy Communion.

Speaking of the second justifying reason the Constitution refers to "the late hours at which *alone* they (the faithful) can attend Mass." Evidently, if a person can conveniently attend an early Mass, he may not enjoy the permission granted in this rule and receive Holy Communion at a late Mass.[19] However, this does not mean that a person may not use the concession for liquid nourishment because of the late reception of Holy Communion unless it is *physically* impossible for him to attend an early Mass. If there is considerable inconvenience involved, he would seem to be justified in choosing a later hour. Thus, if an altar boy is assigned to serve the 11 o'clock Mass, he could use the favor of this rule, even though, strictly speaking, he could attend an earlier Mass, receive Holy Communion, go home for his breakfast, then return for the 11 o'clock Mass. Personally I believe that the permission accorded by this rule can be extended to one who legitimately desires to sleep late on Sunday morning because of great fatigue. Also included might be the case of a lay person who inadvertently takes some (non-alcoholic) beverage after midnight, and is willing then to wait for a later hour to receive Holy Communion. Or he can perform some hard work for an hour.

It does not seem that any extra inconvenience is required for a person to be included under rules III and V in addition to those designated as such by the Constitution—hard work, etc. In other words, even though a person (priest or layman) would experience very little difficulty in keeping the eucharistic fast com-

[19] How late the time for Holy Communion must be is not stated. Since, however, a priest can use the concession for a Mass offered after nine o'clock, a lay person could use it for Holy Communion after this same hour. Evidently, too, there can be a *relatively* late hour for Holy Communion, as in the case of the child who must be in school at 9 o'clock, so that for him the 8.15 Mass would be celebrated at a "late hour."

pletely, he could make use of the favors granted under these rules by the very fact that he fulfils one of the three conditions there mentioned. This seems to be the mind of the Sovereign Pontiff, for the fifth rule begins: "The faithful, even those not sick, who by reason of some grave inconvenience—*that is*, on account of enervating labor, the late hours, etc." In order to avoid anxiety both on the part of the individual concerned and on the part of the confessor, the legislation itself seems to establish these conditions as an *objective* norm that can be safely followed, despite the subjective feelings of the recipient.

I believe that a confessor could give the requisite permission to at least a small group of persons, when he is sure they all come under one of the conditions. Thus, a priest could say to those who are to participate in a marriage at a late Mass the following morning—a group of perhaps ten or twelve persons—"You may take coffee or other non-alcoholic liquids up to 10:30." Similarly, a hospital chaplain might tell all the nurses assembled before him that they may use the concession when they are on the night shift. But this interpretation could not reasonably be extended to a very large assembly, such as all the pupils of a school, since there may be some who would not actually have the required conditions.

There would be no objection for one person to present the petition to a confessor for another, when there are justifying reasons. Thus, a parent might explain the case of his child, or a daughter the case of her elderly mother. Indeed, there is no reason why the necessary permission could not be given by telephone or by letter. A practical point in granting children the permission (when the reason is the difficulty of getting home after Holy Communion, breakfasting and then rushing back to school—a reason mentioned in the Constitution and in the Instruction) is that they should be clearly told that this permission may not be used in later life, when their school days are over.

VI. This concerns the evening Mass—that is, a Mass begun at 4 o'clock or later. It is not stated at how late an hour the Mass may be celebrated; but since it is referred to as a Mass offered in the *evening* hours (not *at night*) it would seem that ordinarily it should not be begun later than 8 or 8:30 o'clock. The permission of the local Ordinary is necessary in order to authorize the cele-

bration of an evening Mass. Moreover, the days on which this concession may be used are expressly stipulated—Sundays and holydays of obligation, suppressed holydays (about twenty in number), First Fridays, week days on which there is a great assembly for special devotions, and finally one day each week when it is beneficial to some particular class of persons. It is to be noted that the local Ordinary is allowed to give permission for evening Masses only "when circumstances call for it as necessary." This necessity evidently is present if a large number of persons in the particular region cannot otherwise hear Mass on a Sunday or holyday. However, even those who do not come into this category may fulfil their obligation of attending Mass and may receive Holy Communion (under the required conditions) at such Masses. Moreover, Holy Communion may be received either before, during, or immediately after the Mass. Of course, as the Instruction emphasizes, one who has already received Holy Communion in the morning may not do so again at an evening Mass; and a priest who has celebrated in the morning may not say an evening Mass the same day unless he has permission to binate or trinate according to the prescriptions of Canon 806.

Both the celebrating priest and the communicants must abstain from solid food for three hours before the beginning of the Mass or the moment of Holy Communion respectively,[20] and from liquids (except water) for one hour previously. Moreover, they may not take any "hard" liquors from the previous midnight (such as whiskey, brandy, gin, rum, cordials, etc.) though the Instruction allows moderate use of light alcoholic beverages (such as wine and beer) as a part of their refection. The phrase *inter refectionem* might lead one to think that only one meal is permitted in the course of the day previous to the evening Mass, or that light alcoholic beverages are allowed at one meal only; but I believe that this expression can be taken in a general sense, so that such drinks may be taken at more than one meal, as in the case of a person who eats both lunch and dinner before attending the Mass. At any rate, outside mealtime only non-

[20] It is to be noted that the Instruction requires that the meal be finished three hours before the *beginning* of Holy Communion. This may be understood, I believe, of the actual reception of the Blessed Eucharist by the individual communicant, not necessarily of the beginning of the distribution of Holy Communion.

alcoholic beverages may be taken. Thus it is assured that at least three hours will pass before one approaches the Holy Table after partaking of even the "accustomed alcoholic beverages" such as wine or beer.

It is to be noted that the advice of a confessor is not called for in order that a lay Catholic may receive Holy Communion at an evening Mass. Needless to say, however, it is incumbent on priests in those places where the Ordinaries permit such Masses to explain the conditions in great detail to their people. Finally, the privilege described in rule VI may not be used to receive Holy Communion in a place where Mass is not celebrated.

The exceptions to the law of the eucharistic fast granted by Church legislation, such as the case of the Viaticum and the baptismal salt before the neophyte's first Communion, are surely still in use. Moreover, the reasons given by theologians as excusing from the observance of this law in extraordinary instances —such as the avoidance of grave scandal—still hold. However, the Constitution states that all privileges and faculties granting exemptions and dispensations from the law of the eucharistic fast, except those contained in *Christus Dominus*, are now abolished.

* * * *

It is the duty of priests having the care of souls to help the faithful acquire a clear and correct understanding of this new legislation, so that, on the one hand, there will not be fostered any undue carelessness in the observance of the eucharistic fast, but, on the other hand, our good Catholics will freely make use of the great concessions of our Holy Father in those circumstances where otherwise it would be impossible or very difficult for them to receive Holy Communion. Certainly, a spirit of conservatism should not induce anyone to abstain from the eucharistic banquet rather than use the favors granted in *Christus Dominus*. This new legislation can and should be used in such wise as to increase greatly the number of Catholics who come to the source of divine life, the Body and Blood of Jesus Christ in the sacrament of His love.

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AN AMERICAN MEMORIAL OF THE DEFINITION OF THE IMMACULATE CONCEPTION

This is the story of a parish behind the name and origin of which there lies an interesting conjunction of historical events. The church building itself is no longer the one begun a little less than a hundred years ago, since the changing pattern of the city and in this case particularly a new housing development made its relocation necessary only a few years ago. Yet it is still on New York's East Fourteenth Street where it was when first put under the patronage of the Immaculate Conception in 1855. This action took place not quite ten years after the American bishops had selected that title to designate the patroness of the whole country and only six years after they had petitioned Rome at the Seventh Provincial Council of Baltimore for a doctrinal declaration on the Immaculate Conception.[1] This monument to the Queen of all men—now in a made-over originally-Protestant edifice—stands today on the east side of Manhattan Island within two miles of city streets just south of the new United Nations headquarters.

As the first Archbishop of New York, John Hughes, left for Rome on October 18, 1854, he told his people of his intention to open several new parishes. Consequently he felt that the desire, which was as much the popular one as it was his own, for a new cathedral would have to remain unfulfilled for a few more years since "we hope to construct two new churches in localities where they are much wanted."[2] The patronage of one of these was to be inspired by his participation in the Roman assembly of prelates which Pope Pius IX had called to consider the definition of the dogma. The prefect of the Congregation of Propaganda, Giacomo Cardinal Fransoni, had already indicated to some of the American hierarchy that it was the wish of the Holy Father that at least a few of them be present in the world-wide representative body of bishops that he hoped would be in Rome for the defining of Mary's great prerogative.[3]

[1] Peter Guilday, *A History of the Councils of Baltimore (1791-1884)* (New York, 1932), pp. 149, 157.

[2] New York *Freeman's Journal,* Nov. 4, 1854.

[3] F. P. Kenrick to P. R. Kenrick, Baltimore, Oct. 8. 1854, quoted in Fran-

Archbishop Hughes arrived in the Eternal City on November 12. He found he was to share in the festivities with two other American archbishops, Francis Patrick Kenrick of Baltimore and Anthony Blanc of New Orleans and with three American bishops, John Timon of Buffalo, Michael O'Connor of Pittsburgh and John Neumann, the saintly Bishop of Philadelphia.[4] After a week in Rome Hughes took part, on November 20, in the first of three gatherings of about 130 bishops presided over by Giovanni Cardinal Brunelli in which the form of the bull on the Immaculate Conception was to be discussed at full length. Regarding their procedure he remarked to a friend, "The Holy Father giving entire liberty to the prelates to express their sentiments freely in regard to the form and the words used in the bull, but reserving to himself exclusively the judgment as to the doctrine itself and the expediency of the time for its definition."[5]

These prelates from all over the world—whose unexpected numbers gratified the Pope very much—gathered in sessions for nearly a week in the "Ducal Hall" adjoining St. Peter's. After all were first extended the kindly greetings of the Holy Father they went to their task of examining what was to be known thereafter as *Ineffabilis Deus,* and of probing the strength of its authorities. There, as it was put by the most distinguished theologian that the Church in the United States was to produce in the nineteenth century, Francis Patrick Kenrick, "the paragraphs of the Bull were read out one by one, an opportunity given everyone to submit difficulties and have them solved by thorough theologians who have acted as examiners for five years."[6] In addition to this work Rome was busy at that time with many other religious activities and so some few days before the formal definition Archbishop Hughes

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cis E. Tourscher, O.S.A. (ed.), *The Kenrick-Frenaye Correspondence, 1830-1862* (Philadelphia, 1920), p. 376.

[4] *Official Documents connected with the Definition of the Dogma of the Immaculate Conception of the Blessed Virgin Mary* (Baltimore, 1855). A listing of those present is found on pp. 147-62.

[5] New York Archdiocesan Archives, Hughes to Antonio Claret, Bishop of Havana, Rome, Dec. 1, 1854, copy.

[6] F. P. Kenrick to P. R. Kenrick, Rome, Nov. 31, 1854, quoted in Tourscher, *op. cit.*, p. 379. Cf. Vincenzo Sardi, *La solenne definizione del dogma dell'Immacolato Concepimento di Maria Santissima,* II (Rome, 1905), 197 ff.

was thrilled by his participation in the Forty Hours' devotion in St. Peter's at which the Pope carried the Blessed Sacrament. He said of his own part in it, "I had the honor of being one of those who supported the dais under which it was carried."[7]

The archbishop's greatest joy, however, was to come at the pontifical Mass of promulgation. He later described this event in a sermon to his people on the Sunday after his return to New York. Speaking from the heart rather than from a prepared text he told them of the ceremony of the definition of the dogma in these words:

> There sat the august successor of St. Peter, the head of that Church which had endured persecution, and still triumphs; while the tempests now agitating the world, and the waves of persecution, were wasting their harmless fury around the base of the rock. Around him knelt venerable bishops, his brethren in the episcopacy; and at the proper time, that document which had been prepared for the promulgation of this doctrine, was read by him in a clear, distinct, audible voice, but amid a silence, which was, I may say, awful, in such a multitude of people. When he came to that part which is purely doctrinal, which is the definition—namely, that God, by a special prerogative, had, through the merits of Jesus Christ, preserved the Virgin Mary from every stain of original guilt—when he came, I say, to that point, his voice grew tremulous with emotion, and then you might have seen every cheek present bedewed with tears of emotion and of tenderness. And at the proper time, after having announced it, the music of the special choir was forgotten—that choir so peculiar and so cultivated in its power of execution, was forgotten—and the great hymn of praise and thankfulness, *Te deum Laudamus*, was raised under the mighty dome of St. Peter's and sustained by forty thousand voices. Such was the spectacle witnessed on that occasion. But in the meantime, the bells from the towers of three hundred churches announced the joyful tidings to the expectant population; and from town to town, and from village to village, went forth the news that at last, by the supreme authority of the Church, it was no longer a belief of individual choice or affection, but a doctrine of the Catholic Church, that Mary, the Virgin Mother of the Son of God, among other prerogatives of divine grace, had been conceived without stain of sin.[8]

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[7] *AANY*, Hughes to Claret, Dec. 4, addition to letter of Dec. 1, 1854, Rome, copy.

[8] John G. Hassard, *The Life of the Most Reverend John Hughes, D.D.* (New York, 1866), p. 373.

All observers agreed that this scene had moved not only the Pontiff but many others to tears of joy.[9]

There was certainly nothing surprising in New York's first metropolitan being prompted to further action by this event. Three years later as he urged on the work of building the Church of the Immaculate Conception, speaking at a fair within its unfinished outer shell he described how his mind and heart had been affected:

> When the dogma of which the church is to be a memorial, a monument, was proclaimed as an article of faith, I was but four or five feet distant from the Holy Father. Just at that moment I resolved on my return to New York to erect a church to commemorate the event. I knew the Catholics of this city would enable me to carry out that resolution, but I desire especially that the ladies of New York—the children, the daughters of Mary—shall have the credit and honor of this church, raised as a monument of the Immaculate Conception.[10]

Thus this parish church on New York City's bustling Fourteenth Street became a lasting reminder of a great event in the universal history of the Church. It would seem to have been the first dedicated to Our Lady under the title of the Immaculate Conception within the confines of the United States after the definition.[11]

The happy occasion was memorialized in a more ephemeral but still a very real way by the sentiments expressed in New York's principal Catholic paper, the *Freeman's Journal.* The convert editor, James McMaster, in the issue of Jan. 6, 1855, pointed out how this special favor of the definition had been granted Catholics in a year that had been otherwise marked by pestilence, war, and famine. It was an occasion, he insisted, for Catholics to shake off past tepidity in their Faith, and to become, "all of us, in our various places, missionaries of the 'Tabernacle of God with men,' whose

[9] Cf. the press account from *Giornale di Roma* in J. D. Bryant, *The Immaculate Conception of the Most Blessed Virgin Mary, Mother of God; a Dogma of the Catholic Church* (Boston, 1855), pp. 249-68, and William B. Ullathorne, *The Immaculate Conception of the Mother of God* (Westminster, 1905), p. 191.

[10] John G. Shea (ed.), *The Catholic Churches of New York City* (New York, 1878), p. 372.

[11] New York *Catholic Herald,* May 30, 1885.

great business it is to save our own souls, and to convert this young and mighty nation to the love of God who was born for love of it and us, of the Immaculate Virgin."

By the time John Hughes had returned from this great Roman ceremony and was able to ascend his own pulpit again to tell his flock of what he had seen and heard it was Palm Sunday, 1855. To a cathedral filled to standing room he preached on the "Triumphs of the Catholic Church," in what some considered one of his most eloquent sermons. The Gospel of the day was a reminder of how the Church triumphs as well as suffers even as Christ did. The definition of the dogma of the Immaculate Conception gave the faithful, he felt, an added reason for holding their palms high in token of triumph. He described the scene in Rome, as cited above, and went on to explain the doctrine. Finally he proclaimed their reason for joy in these words: "*Sursum corda.* Let there be no depression because of the enmity and assaults of the world. By them you know what you are; and you know that if you were not what you are, you would not be assailed." The archbishop realized that December eighth would henceforth be considered a very sacred anniversary. Showing his own appreciation he announced the hope and plan to commemorate the occasion by building a church, as he said, "both in testimony of the event, and of joy at being present at the Council, and in gratitude for many favors and for the extraordinary protection which I have received—and I have no doubt, from all-powerful intercession of the Blessed Virgin Mary."[12]

Archbishop Hughes' joyful reaction to the promulgation of the definition might have been readily expected, even if his practical resolve could not have been foreseen. But another aspect of the American reception of the news would seem to have been more of a surprise. This was Hughes' observation that despite the furor of Know-Nothingism, which was the anti-Catholicism of the 1850's, American Protestants were neither disturbed nor aroused by this latest action of Rome. The archbishop reported:

> You will be surprised, perhaps to learn that the definition of the Immaculate Conception whilst it has filled all Catholic hearts here with joy has not excited the slightest opposition among Protestants.

[12] *Freeman's Journal,* April 7, 1855.

On the contrary, many of them seem to rejoice in the idea that God had preserved one pure creature of our race unsullied by original depravity, one who was created, born, lived among men, trod this polluted earth without the slightest blemish of sin contracted either in the conception or in birth or in life, or in death, from her contact with Adam's penal inheritance.[13]

Archbishop Hughes' pious interest was turned into zealous action. He heard from Rome: "It was very consoling to the Holy Father to hear Your Grace was the first too, among the prelates of the United States, to promote in such a manner the veneration of the Immaculate Virgin, after the dogmatic definition."[14] Hughes later described the outcome of the labors that he undertook on his return to his see. In the spring of 1858 he dedicated four new churches. but he was especially joyful at the consecration on May 15 of his memorial church of the Immaculate Conception—the ninety-ninth raised under his episcopal supervision and guidance in a twenty-year period. He said of it:

It is the first I think, commenced and completed subsequent to the dogmatical definition of Our Holy Father the Pope. It is acknowledged to be very beautiful, the interior decorations being entirely of white and gold. I shall have to get a painting according to the *ideal* approved of at Rome, and also a marble statue under the same approval, to represent the Immaculate Mother of God as distinct from representations which are not perhaps approved of. The Church has cost eighty thousand dollars.[15]

The prelate's best friend in Rome sent on a picture of the best statue of the Immaculate Conception available then in Rome. This model had been twice inspected by Pope Pius IX himself in the artist's studio. It was described thus:

This is not quite the *ideal approved* of when you were here. But I beg to assure you that this has met with the approbation of the Pope and the best Roman artists. This is more theologically correct; as after the Imc. definition the B.V.M. should not be represented in the attitude of supplication. The statue is larger than life, or near six feet high.[16]

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[13] *AANY*, Hughes to "My dear Lord," New York, Aug. 7, 1855, copy.

[14] *AANY*, Bernard Smith, O.S.B., to Hughes, Rome, July 3, 1856.

[15] Archives of Abbey of St. Paul Outside the Walls, Rome, Hughes to Smith, New York, June 11, 1858.

[16] *AANY*, Smith to Hughes, Rome, July 30, 1858.

The deeper meaning behind the symbols of the new doctrine was also known to the New York archbishop. To a fellow bishop in Ireland Hughes alluded to the definition of the Immaculate Conception as establishing two points of doctrine, "one the last undefined prerogative of the Blessed Virgin & the other by the implication, the infallibility of St. Peter's successor with or without the aid of the general council."[17]

From the vantage point of our own day it is interesting to note how in 1858 John Hughes summarized his work for high officials at the Holy See. He saw fit to allude to the revolutionary movements in Europe and to devotion to the Queen of Heaven in the United States. He wrote of the turmoils of the nations abroad in the two preceding decades and of his own see that "their rebound on New York was most perilous to the faith and morals of the people committed to my charge." As he continued, the archbishop referred to the early action of John Carroll, who had first ruled as bishop over all the United States, as well as to his own sentiments:

I cannot help regarding it as a singular protection of Almighty God, and a singular evidence of the interposition of the Blessed Virgin Mary (under whose patronage this Diocese had been especially placed from its origin, under the title of the "Assumption," now under that of the "Immaculate Conception") that we have escaped the ordeal with so little injury to the principles of our Religion.[18]

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[17] *AANY*, Hughes to Bishop McNally of Clogher, New York, May 26, 1858, copy.

[18] Henry J. Browne (ed.), "The Archdiocese of New York a Century Ago: A Memoir of Archbishop Hughes, 1838-1858," *Historical Records and Studies*, XXXIX-XL (New York, 1952), 168.

AN APOSTOLATE FOR LAWYERS

I. THE PROBLEM

A vigorous apostolate directed toward lawyers seems vitally necessary at this time of crisis when the very existence of right and wrong as legal values hangs in jeopardy. On the one hand, true law, drawn in accord with the principles of justice, perfects the community by directing social change and by preserving the best of tradition, thus blending the seasoned judgments of the past with the exigencies of the present under the paternal guidance of divine authority. On the other hand, hovering over the world is the violent spirit of lawlessness which, discounting as a fiction the universal dominion of God, and substituting an arbitrary fiat for the eminent reasonableness and organic growth of the law, attempts to brand all men with the mark of its rebel creed. Its basic tenet has been memorably phrased by Justice Holmes in a defense, years later, of the youthful conviction that "truth was the majority vote of that nation which could lick all others."[1] Dwelling about us today are a host of political forms, ugly offspring of this fundamental falsehood of a philosophy of force. In England, for example, it looms large, though benevolent, as Erastianism or what Sir Richard O'Sullivan calls "Parliamentarian Omnipotence." In Russia, it is the totalitarianism spoken of by Karl Marx as the transitional "dictatorship of the proletariat." In America, it is what Alexis de Tocqueville, neatly forestalling Holmes, pointed out as the real enemy of democracy, "the tyranny of the majority." Nevertheless, there are many in the United States who raise a hue and cry over any attempt to appeal to a law other than the will of the American people, and, in their failure to distinguish popular government from mob rule, quite illogically indict the appeal as "undemocratic." In welcome opposition to these variations on the old Roman principle, *Quod principi placuit legis habet vigorem,* stand the inspired words of Scripture, affirming the basic truth of social authority, "There is no power but from God,"[2] and the requisite response to it, "We must obey God rather than men."[3]

[1] Oliver Wendell Holmes, Jr., *Collected Legal Papers* (New York: Harcourt, Brace, 1920), p. 310.

[2] *Rom.* 13:1.

[3] *Acts* 5:29.

Unfortunately, there is another aspect to this "clear and present danger," one parallel to, though less cosmic in scope than the above mentioned ideological denials which spring from what Whittaker Chambers labels the fallacy of "Almighty Man." We now turn to deviations which are primarily in the moral order. These are due partly to the tendency of man to limit his vision of right whenever convenient, and thus to succumb to the workaday temptations to dishonesty and injustice of which the law has more than a fair share. These disorders are, also, the result of an abuse of the "adversary system" of legal action wherein the parties themselves are the moving forces as they struggle for victory in the presence of an impartial tribunal. As a consequence, the practice of law is often treated as a game with an amoral set of rules similar, in many ways, to those of charity and justice but not subject to them, or even as a civilized trial by combat, in which the decision depends on the cleverness of the lawyers rather than on the merits of the case.

II. THE SOLUTION

If, however, the legal profession is to overcome successfully the manifold evil which weakens and threatens to abrogate true law, it requires the concerted strength and wisdom of the Church to fortify and enlighten it for victory.

Pastoral assistance is particularly necessary in view of the major influence that men of legal training exert on our lives, as is evidenced by the great number of them in our tripartite government. By definition, the judiciary, culminating in the Supreme Court, consists wholly of lawyers. By public choice, most of the presidents, twenty-five out of thirty-four, were men who had received a legal education.[4] And by public choice, usually a majority of the representatives in both Houses of Congress are lawyers. An example of this latter fact is the eighty-first Congress in 1949: lawyers formed fifty-eight per cent of the House of Representatives and sixty-six and two-thirds per cent of the Senate.[5] It is clear then

[4] A. P. Blaustein, "How to Become President," *This Week Magazine* (Washington, D. C.: *The Sunday Star*, Oct. 19, 1952), p. 12.

[5] A. P. Blaustein, "Lawyers in the House of Representatives: 81st Congress Has Extensive Legal Training," *American Bar Assn. Journal*, 35 (Oct. 1949), 825.

that whatever increases the efficiency, wisdom, and integrity of the legal profession will effect a proportionate benefit on the Government and its citizens.

A. The Matter to be Presented

To teach the law of God to the men of law, to counsel the counselors, these are the tasks that face priests dealing with that specialized segment of the faithful, the legally trained members of the *ecclesia discens*. The priest, "a mediator of justice" as our Holy Father calls him, ought to communicate to the Bench and Bar a fuller realization of their true dignity and responsibility; for without dignity the learned profession becomes a spiritual serfdom, without responsibility, a despotism.

If Catholic lawyers are to be wise men, not merely clever practioners of a complicated art, they must grasp something of the fundamental nature of law, for only a grounding in basic principles can give them the intellectual insight and perspective necessary for wisdom. This does not mean that there should be a doctrinaire campaign for the impractical ideal of fashioning all men in the image and likeness of the philosopher; but it does mean that their knowledge must be adequately profound and convincingly sound, a reliable working instrument for clear and constructive thought, capable of integrating their life and their work. This task appears less formidable if, for example, it is viewed simply as affording a rational explanation of a statement made by the American Bishops at their annual meeting in Washington in 1951. "All human rights and obligations," they insisted, "have their source in God's law, otherwise they are meaningless."[6] An analysis of this sentence gives the structure of a legal philosophy. We can start with the rights and obligations of civil law, which mark out the proper field of the lawyer's activity, and by means of the principle of sufficient reason, or intelligibility, or meaningfulness, arrive at the law of God as the source of these positive laws. Looking at it another way, we see that just as the natural law is a rational participation in the eternal law, so positive law is a prudential determination of the natural law, and that, therefore, the positive law

[6] Statement of Bishops on "God's Law: the Measure of Conduct," in *Our Bishops Speak*, ed. by R. Huber, O.F.M. (Milwaukee: Bruce, 1952), p. 373.

too participates, in its own fashion, in the eternal law. To proceed from this comparative analysis to a more metaphysically abstract one, we consider law as an aspect of the transcendental attribute of goodness, and employ in our understanding of it the notions of nature, end, and activity. However, so far as we are concerned here, the crucial problem is the relationship between the natural and the positive law, whereby the latter, as a new determination of the former, shares in its sacredness and obligating force without being deducible from it. Failure to grasp this connection causes the greatest difficulty to Catholics in sacramentalizing the practice of law, and to non-Catholics in accepting a natural law philosophy. The two laws are related, as it were, by a parental bond, and the priest-teacher must insist that the bond be not severed. For positive law must be seen not merely as a logically organized body of rulings with solid pragmatic justification, but also, through the wedding of prudence and natural law, as a practical approximation in respect to the concrete and particular details of life, of the eternal law of God which "reaches from end to end mightily and orders all things sweetly."[7] To practice law with this mind is truly to co-operate with God in bringing harmony and peace to the world.

In conveying these ideas it is helpful to be guided by the rule of thumb that lawyers are not always philosophers. In Plato's *Theaetetus,* we find contrasted with a passionate bias, the philosopher who "wanders at will from one subject to another . . . caring not whether his words are many or few," and the lawyer who is "always in a hurry."[8] So perhaps the most effective work with the legal profession will be in matters more or less practical, where Catholic truth is grasped in action; that is, as it sheds light on specific problems in the manifold fields of law.

Irrespective of ulterior religious motivation, a sure knowledge of the basic notions of right and wrong is an essential tool for the sound legal thinker or practitioner. The words of Supreme Court Justice Cardozo bear out this point.

> What really matters is this, that the judge is under a duty, within the limits of his power of innovation, to maintain a relation between

[7] *Wisdom* 8:1.

[8] Translated by B. Jowett (New York: Random House, 1937), II, 175.

law and morals, between the precepts of jurisprudence and those of reason and good conscience.[9]

Philosophically, Cardozo was a relativist for whom "morals" meant "the accepted standards of the community, the mores of the time."[10] But he felt that a shifting moral code was better than none at all for it gave at least quasi-stability to law, preserving it from the chaos of arbitrariness. The natural law, on the other hand, has the requisite immutability while, at the same time, it provides for delicate adjustments in its positive determinations. The lawyer, then, has at hand the means to erect on the firmest of juridical foundations a legal system whose structure is both stable and flexible, ordering reality but not doing violence to it. So the priest, as a teacher of the law of God, is admonished by the Pope that "Zealously and fearlessly, he must explain the correct principles regarding property, wealth, social justice and Christian charity among the different classes. . . ."[11]

It is one thing to insist on the moral principles underlying law; it is another to point out the principles pertinent to particular situations, distinguishing and clarifying the Catholic position wherever necessary. The interplay of legal rules and moral principles is sometimes confusing and sometimes clarifying. For instance, legally, a passing stranger is not liable if he refrains from rescuing a baby about to be crushed by a train, although he could do so without trouble or danger to himself. His act is not tortious, because, although it is a breach of a duty resulting in harm, the duty is not one imposed by the civil law. Morally, of course, he is guilty of a serious sin, because he was bound out of charity to help one in extreme physical necessity, even to the point of grave inconvenience. There may be reasons for and against the enforcing of such a moral duty, but it should be clear to the lawyer that the legal standard is by no means the Christian one, however acceptable it might be as a strictly legal norm even for Christian jurists.

Here is another case, a bone of contention among the moralists. A man unjustly intends to burn down the house of his enemy, but by a mistake in the dark burns down the one next to it. A number of theologians, following, among others, Cardinal de Lugo, would

[9] Benjamin Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921), pp. 133-4.

[10] *Ibid.*

[11] Pius XII, *Menti nostrae,* NCWC translation (1951), No. 124, p. 42.

exonerate the arsonist from any burden in conscience to make restitution to the unfortunate owner on the grounds that the action was not "formally unjust" since it lacked an essential fact, knowledge of the ownership of the house. The civil law courts, however, would decide unanimously the other way, and the majority of theologians would back them up. Even the minority group would say that the state could make the defendant reimburse his victim for the sake of the common good; since in the right situation the state can use its power of eminent domain to give one man's property to another if this transfer is needed to keep order in society. What is especially interesting about this case is that, though the theologians are split over the principles involved, the law courts uniformly decide the case with complete realism.

Another class of problems for the lawyer relates to the bulk of socio-legal matters such as sterilization, birth-control, divorce, education, relations between Church and state, and Communism. These and many others like them have their specifically legal aspect, and are becoming, more and more frequently, the subject of legislation and litigation. Lawyers and judges, as specially trained citizens and as leaders in the community, must apprize themselves of the Church's teachings in these fields and endeavor to promote those teachings in civil life.

Taking another step, this time from the social to the religious field, we find there many truths so couched in legal conceptions that, if clearly presented in that fashion, the lawyer will readily grasp their significance and more easily integrate them into his life. For example, the fundamental dogmas of the Fall and Redemption, Heaven and Hell, deal largely with the notions of obedience owed to a Legislator and the corresponding sanctions. The Church, the Mystical Body of the Redeemer and the Gate of Heaven, is a visible organization because it is necessary for salvation; and it has, therefore, an external juridical structure, an understanding of which leads us to a greater appreciation of its internal spiritual one. In bringing man to salvation through the Church, law, as understood by St. Thomas, has a role complementary to that of grace, the one giving the direction, the other the power of salutary action. The sacraments of the Church are channels of grace; and of these, Baptism, Confirmation, and Holy Orders also give a "legal holiness." Two sacraments are administered in a specifically legal fashion, Penance as a judgment, Matri-

mony as a contract. The Church is ruled by Christ the King, as the Council of Trent insisted in the words, "If anyone say that Christ Jesus was given by God to men as a Redeemer to be believed, and not also as a Legislator to be obeyed, let him be Anathema."[12] Lastly, the Queen of angels and of men is, in the words of the Litany, a "Mirror of Justice," the perfect reflection of the divine law, the unparalleled model of all "who hear the word of God and keep it."[13]

The formation of the intellectual framework within which the Catholic lawyer works to restore legal value to society is not complete without a consideration of the spiritual dynamism sparking this endeavor. For the lawyer becomes a socially effective Christian when, like the eminent layman and legal scholar, Blessed Contardo Ferrini, he learns to sacramentalize his work and to bear witness to Christ, thus increasing and perfecting the life of grace, the true source of wisdom, courage, and power. "If in Baptism he has been given a spiritual heart to love with, in Confirmation he receives a spiritual tongue to speak with."[14] Incorporated by the waters of regeneration into the Mystical Body of Christ, and "doing the truth in charity,"[15] he sanctifies his life and ennobles his work. Strengthened by the Holy Ghost through the chrism of Salvation, he will "give testimony of the light,"[16] in his words and deeds, thus fulfilling Christ's command, "So let your light shine before men that they may see your good works and glorify your father who is in heaven."[17] Acting on the realization that he participates, naturally and supernaturally, in the life of the divine Legislator, and that he works with what is a participation in His divine law, the lawyer will gradually learn to make his practice a sacred channel of grace and charity. In dealing with these civil manifestations of God's will, temporal and transient though they be, he can become more perfectly a subject, more intimately a member of Christ who is "King of kings and Lord of lords."[18] If he truly lives God's

[12] Council of Trent, Sess. VI, Can. 21 (*DB* 831).
[13] *Luke* 11:28.
[14] Canon George Smith, "Confirmed to Bear Witness," *Worship*, 26 (July 1952), 389-90.
[15] *Eph.* 4:15.
[16] *John* 1:7.
[17] *Matt.* 5:16.
[18] *Apoc.* 14:16.

law he is its star witness. Though he never preach it explicitly, he will manifest God's law in himself as, for example, the lawyers of the Providence diocese do, who have refused to handle divorce cases where there has been a valid marriage. In their response to the directives of Bishop McVinney they have become lights in a world saturated with the darkness of evil. The brilliance of their light is in proportion to the staunchness of their obedience.

B. The Manner of Presentation

The problem of the effective presentation of the various subjects discussed above is not an easy one to solve. There are, however, two main requirements which should be kept in mind. First of all, Christian principles should be presented with professional competence. It must be remembered that the lawyer is accustomed to deal with what is technically called an "expert witness," and that to keep in business he has to be quick to pick out vagueness, uncertainty, contradiction and error. When a priest and a lawyer discuss the moral side of a legal issue, they both bring to this mutually shared field professional judgment and experience. They differ over the body of law that they apply but the factual situation and their general approach to it are the same. Unless a priest is qualified to handle a problem or is at least wise enough to stay away from what he does not know, his words will carry little weight. Not that the lawyer will reject the doctrine of the Church, but he will most certainly disregard what he considers an imperfect and unreliable reflection of it, and may even conclude that, as a practical matter, morals are inoperative in law since they are so out of touch with it, and apparently so difficult to apply to it, in any satisfactory manner, even for the clergy. On the other hand, there should not be an over-readiness to discover a conflict between moral and civil law. We must not ask too much of the latter; for it is not intended to be the public enactment of a text in moral theology.

In addition to proficiency, there is a second requirement, that of effective communication. This entails paying homage to the logic of law, in order to be able to "talk the language" of the lawyer. For, to help him in his thinking, one must know how, in fact, he does think. As law is "an ordinance of reason" reason's rules of procedure are, here, of prime concern. As law, in some way, touches

all being, this amazing universality must be provided for in our thinking. First of all, then, the jurist, through metaphysical analogy, grasps the fundamental truth of law, its tremendous unity, in virtue of which the shifting juridical structure of the state participates in the unchanging oneness of the divine decrees. Only in this light is law fully intelligible and purposeful, for the vision of the real, the sense of wholeness and harmony that this insight affords us, is the indispensable key to legal significance, to the true *wisdom* of law. But metaphysical thinking is not the only kind the lawyer does. In his constant preoccupation with statements of law and fact, their inferences and applications, with rulings and pleadings, and the whole dialectics of the forum, he uses unstintingly the complicated and highly developed tool of thought, inductive-deductive logic, the logic of the first degree of abstraction. In this universe of conceptions, rigid and abstract, we have what may be called, in the very strict sense, the *science* of law. Laws, however, are applied to individuals, not to generalities, so the lawyer's work consists primarily in arguing from case to case in terms of concrete factual situations. Since the positive law is essentially a determination of the natural law rather than a discovery declaration, or deduction from it, this method of reasoning from particular to particular, which is called analogical inference, is by far the most important and necessary logical technique for the legal practitioner, and gives the mechanics of the art, or better, of the *practice* of law. It is thus evident that the approach used by the priest or teacher must steer clear of excessive abstraction. He should give the basic moral principles and their philosophic justification, but should always try to incarnate them in a factual framework. In 1870, Langdell revolutionized the teaching of law by introducing the "case method" in his classes at the Harvard Law School. Since that time this procedure has had, in America, universal acceptance, and has given the modern "legal mind" both its facility with facts and proximate principles and its aversion to what it calls the unreality of abstract norms and metaphysical principles. Consequently, only if the subject matter is presented competently and concretely will it have so telling an effect on the legal profession that from communication will be born conviction and from conviction the restoration of the law in Christ, because only by such a presentation will the lawyer be able to say of the great re-

vitalizing truths of faith and morals, "And now we have heard, every man in his own tongue."[19]

III. THE CONCLUSION

A few years ago, the great Learned Hand, looking back on a successful legal career felt compelled to admit,

> If I were to do it over again, I think perhaps I would be a physicist—open new vistas, move in step with the world. You know, I used to hope that I might be able to garner a harvest of wisdom. That has turned out to be a mistake, for I cannot see much further into the tangle of life than I could fifty years ago. I'm less disappointed than I should have thought. Indeed there is solace in a companionship where all are groping in the same fog.[20]

These words evoke in us a sincere regret over the loss of the wisdom that might have been. Judge Hand says he once hoped for wisdom. He now calls this a mistake. There was, indeed, a mistake, but it was not that hopeful one. Rather it seems to be an error born of philosophic studies under Royce, Santayana and James, which can be summed up briefly in Chief Justice Vinson's words, "Nothing is more certain in modern society than the principle that there are no absolutes."[21] For if that is the way things are, then of course, we are all "groping in the same fog," for we lack the absolutes to spotlight the structure of our experiences, and "life is a tangle" with nothing to help us sort out and interpret and develop those responses and surgings of reason which make youthful minds hope for a "harvest of wisdom."

Without some absolutes there can be no true law, order or wisdom. Therefore the Catholic lawyers and judges, in possession of such a hierarchy, must share with the other members of the profession their fellowship in the light. They must be the leaven, the salt of the earth, growing in wisdom and grace through the Christ-like practice of their legal vocation, keeping it in harmony with the absolutes which bring strength and light to their life and work. Viewing the positive law as a reflection of the divine law, they will rejoice in their labors and further social progress, "For when the

[19] *Acts* 2:8.
[20] *Life Magazine*, Nov. 4, 1945.
[21] *Dennis et al. v. United States*, 341 U. S. 494, 508 (1951).

civil law conforms to the moral law, and seeks its greatest sanction in that law, there is moral stability and the common good is promoted."[22]

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Washington, D. C.

[22] Statement of the Bishops on "Essentials of a Good Peace," Nov. 11, 1942 (*Our Bishops Speak*, p. 118).

FIFTY YEARS AGO

The leading article in *The American Ecclesiastical Review* for March, 1903, entitled "The Priesthood" is contributed by F. T. Lloyd, of Oscott College, Birmingham, England. It is a commentary on a recent letter on the duties and dignity of the priestly office, addressed to the clergy of Italy. (The letter is given in its entirety in the *Analecta*). . . . Dr. A. MacDonald continues his series of articles aimed at proving the apostolic origin of the Apostles' Creed. He takes exception to certain views of Harnack, which had appeared in an English translation in 1901. . . . Fr. T. Middletown, O.S.A., of Villanova College, contributes a lengthy article entitled "Reports of the Philippine Commissions (1899-1900) on Religious and Educational Matters." The reports in question were drawn up by commissions headed by Dr. Schurman and Judge Taft, and appeared in four large volumes. Although Father Middletown believes that in many respects the reports fail to present a true picture of the religious and educational situations in the Philippines, he quotes approvingly the words of Judge Taft: "As the Catholic Church is and ought to continue a prominent factor in the life, peace, contentment and progress of the Philippine people, it would seem the wisest course to frame civil laws which shall accord with views conscientiously entertained by Catholics, priests and laymen." . . . Fr. J. McNamee, of Monaghan, Ireland, writes on "The Union of the Early Irish Church with the Holy See," in refutation of the statement that St. Patrick preached a doctrine different from that of the Roman Church, and particularly of the claim made by a certain Dr. Todd, that Patrick was not commissioned by Pope Celestine to preach in Ireland. . . . Father Lehmkuhl, S.J., commenting on a controversy recently conducted in *The American Ecclesiastical Review* between F. Hild, C.SS.R., and Father Casacca, O.S.A., agrees with the former, that a woman is not to be prohibited from marriage because of the lack of ovaries. . . . Fr. W. Simmons makes some practical suggestions regarding the instruction of converts.

F. J. C.

THE NEW INSIGNIA ON THE EASTER CANDLE

Now that the Holy See has given priests the choice of having Holy Saturday services either in the morning as heretofore, or on Holy Saturday evening or night, in the form of the new Easter Vigil rite, several problems arise with regard to the insignia on the Easter candle.

May the new insignia, which are called for by the new Vigil rite, be inscribed into the wax of the Easter candle beforehand, by way of preparation? And how may this be done? How much of the carving or engraving must be done by the deacon or officiating priest as deacon during the ceremony itself? May all Easter candles, even those used for the services on Holy Saturday morning, have the new insignia upon them even as an appropriate decoration of the candle?

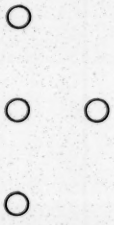
These and other questions we shall try to answer in this article. It may at first seem superfluous to discuss a matter of this kind, or to do so in great detail at the risk of seeming to be trivial. But a few varied usages have already sprung up, some of which seem contrary to the wishes of the Holy See. On the other hand, as this article will try to show, the Holy See has left sufficient freedom for the convenience of all so that there should be no need for going beyond or contrary to the rubrics for the new Easter Vigil rite, if we also consider the special Instruction preceding the text of the new rite.

I. CANDLE FOR HOLY SATURDAY MORNING SERVICES

When the Easter candle is to be used for Holy Saturday morning services, as heretofore, it is to be prepared as usual, with the customary five holes, in the form of a cross, into which the five grains of incense are then inserted by the deacon or by the officiating priest acting as deacon, during the ceremony itself, and sealed by him with the five red wax nails that are furnished with the Easter candle.

The five holes for the grains of incense should be made or placed in such a way that they form a neat cross, in harmony with the size of the candle, and should be deep enough and large enough to hold the red wax nails firmly. Care should also be taken that they are not too large.

Thus we have the first step in preparing the insignia for the Easter candle, and this step, making the five holes, is sufficient for the candle to be used for Holy Saturday morning services. Other appropriate decorations may be added according to custom.



First Step:

Farther on we shall discuss the question whether the paschal candle used for Holy Saturday morning services might also have upon it the new insignia which, in addition to the five holes, are required for the candle used at the new Easter Vigil rite on Holy Saturday evening before midnight.

II. CANDLE FOR THE NEW EASTER VIGIL RITE ON HOLY SATURDAY NIGHT

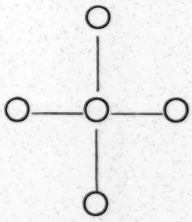
(A) When the Easter candle is to be used for the new Easter Vigil rite on Holy Saturday night, according to the latest edition of this rite, dated Jan. 11, 1952, then the same five holes, in the form of a cross, are made in the candle in a neat and artistic manner, as above described and illustrated.

The rubrics within the rite itself (n. 5) say:

. . . acolythus, seu unus ex ministrantibus, portat cereum paschalem in medium, ante sacerdotem, qui cum stilo, inter extrema foramina ad insertionem granorum incensi destinata incidit crucem. Deinde facit super eam litteram graecam Alpha, subtus vero litteram Omega, et inter brachia crucis quattuor numeros exprimentes annum currentem. . . .

(B) This means, first of all, that the priest who is really acting as deacon, during the ceremony itself, with some sharp instrument, or stylus, carves or cuts, that is, engraves or impresses a line into the wax of the candle from the topmost of the five holes to the bottom hole, and then another line from the hole at the priest's left to the one on his right (as he faces the candle), forming a sign of the cross. Thus:

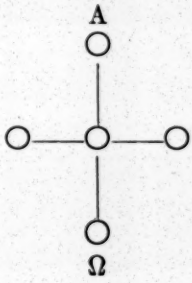
Second Step:



(C) The priest is then directed to carve or cut, that is, impress or engrave, into the wax of the candle, the Greek capital letters, Alpha (A) and Omega (Ω), the Alpha above the topmost hole, and the Omega beneath the bottom hole.

The insignia, at this point therefore, will look as follows:

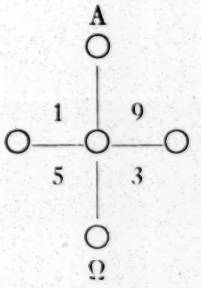
Third Step:



(D) The priest is further directed, by the rubric mentioned above, to carve or cut, that is, impress or engrave, into the wax of the candle, the four digits or numbers in proper succession, which represent the current year of the Lord, one in each arm of the cross formed by the line which he had cut into the wax.

The insignia is now complete:

Fourth Step:



This last illustration, which is also given within the text of the new Easter Vigil rite itself, is therefore representative of the correct insignia to be carved or cut into or engraved into the wax of the Easter candle, as the rubric within the new rite itself says, by the priest himself, whenever the new Easter Vigil rite for Holy Saturday night is carried out. The numbers must, of course, correspond to the number of the current year of the Lord.

(E) However, in the special rubrics of the Instruction which precedes the text of the new rite, and which is given in the front part of the official Vatican edition of the new rite, dated Jan. 11, 1952, we read the following with regard to the new insignia:

8. Nihil impedit quominus signa, in cereo paschali a sacerdote stilo incidenda, coloribus vel alio visibili modo antea praeparentur (*Ordinationes vigiliae paschalis instauratae,* 11 Jan. 1952, IV, n. 8).

In English this would be: "8. It is not forbidden to prepare the insignia beforehand, by the use of colors or in some other visible manner."

This would seem at first to mean that the insignia may only be indicated or lightly traced with some color beforehand, as some have taken it to mean. This is a rather restricted interpretation. The rubric also has the words, "vel alio visibili modo," that is, "or in some other visible manner," presumably and chiefly so that the priest will have something to guide him during the ceremony when he is to carve or cut into the wax with a stylus, making the lines and letters and numbers.

It is the writer's opinion that this alternative direction, "or in some other visible manner," leaves the road wide open for preparing the insignia in any way most convenient for the priest for accomplishing his task of carrying out the rubric which asks that the end result of this action should be that the new insignia are "incised" into the wax, engraved, cut into, carved into the wax, and done in such a manner that the insignia are reasonably visible from a reasonable distance to those looking at the candle. Otherwise the symbolism and meaning of these "incisions" are quite lost.

How much liberty we may exercise in this regard must of course be finally determined by the Church in case there be any need for such a final decision.

(F) But, pending any authoritative decision to the contrary, the writer suggests, for the sake of neatness and artistic effect, as also for the sake of the symbolism involved, which should be expressed in some "visible manner," that the candlemaker or those preparing the paschal candle may, if they wish, carve or cut or impress or engrave these new insignia (the holes, the lines forming a cross, the Greek letters Alpha and Omega, and the numbers representing the current year of the Lord) into the wax of the Easter candle beforehand, in some neat and artistic fashion, in harmony with the size of the candle, and then put an appropriate color into the cut depressions or incisions. Red seems to be a good color for this purpose, since the wax nails are usually red, and this color harmonizes with the wax of the candle and is properly symbolical of the five wounds of the Risen Lord. It should be noted that the rubric does not specify any special color. Hence, any harmonious combination of colors could be used for coloring the insignia, when preparing them beforehand. One would hardly think of doing the artistic work after the candle has been blessed and put in its place of honor in the sanctuary, nor would we expect the priest to do it during the ceremony.

With the insignia thus fully prepared, and properly "incised" or engraved into the wax, the priest then, during the ceremony itself, follows along these pre-carved or pre-cut impressions or incisions with a stylus or sharp instrument, scratching into them without necessarily doing this so vigorously that the color or paint would be removed or seriously injured.

Anyone who has tried to carve or engrave any lines or figures into wax as hard as that of an Easter candle will know how difficult this is to do. If the insignia are not pre-carved or pre-engraved into the wax before the ceremony, either by the candlemaker or by someone else, the priest will ordinarily be able to do little more than merely scratch the surface of the wax with the stylus and the result, in any case, would probably be rather unsatisfactory, not to speak of the wax shavings and the faint uncolored lines, which latter would hardly be visible except at very close range. One could hardly call a mere scratching of the surface a carving or engraving or "incision," as the Latin word "incidit" implies, as used in the rubric within the text of the new rite. If the priest made use of a knife for carving the insignia, this would require a certain amount of time and care and skill,

and the results would probably not be satisfactory either. The writer therefore is of the opinion that the special Instruction in the front part of the Vatican edition of the new rite, which allows the preparation of the insignia beforehand by the use of colors "or in some other visible manner," would include also the pre-carving or pre-engraving or pre-impressing of the lines and letters and numbers before the ceremony itself.

III. SOME PRACTICAL CONCLUSIONS FOR THE PRIEST AND THE CANDLEMAKER

The rubrics, therefore, for the new Easter Vigil rite for Holy Saturday night can bring about certain practical difficulties for the candlemaker, or even for the priest, or for anyone preparing the Easter candle, unless he has decided beforehand and in some detail just what the mind of the Church is in the matter.

The writer is not prepared to say categorically that the candlemaker should prepare all his Easter candles with the above precut or pre-impressed new insignia. If the candles were all prepared in this manner, it would eliminate the trouble of having to manfacture two types of paschal candle. For then, a candle thus prepared could be used either for the Holy Saturday morning services or for the new Easter Vigil rite on Holy Saturday night. The Church could and might still restrict the use of these insignia on the candle for the new rite on Holy Saturday night alone. But the writer cannot conceive that the Church would make such a demand or restriction.

In fact, the writer is inclined to believe that the Church, in the new rubrics for the new rite, is very practical and has described the action and prescribed the insignia in such a way that all Easter candles could bear these new insignia regardless of whether the candle is used at the Holy Saturday morning services or for the new Easter Vigil rite on Holy Saturday night.

It has always been the custom to decorate the paschal candle. In some places this is done rather elaborately, and in others less so. But we are quite at liberty to decorate the candle as we think best, provided the decorations be properly symbolical and Christian, and at least not contrary to the mind of the Church. Hence, it would be following the mind of the Church very closely if we use the new insignia on all Easter candles, regardless of whether

we follow the Holy Saturday morning rite or the new Easter Vigil rite on Holy Saturday night. No one should object to this.

In view of what has been said, it is therefore suggested that all Easter candles may be provided with the new insignia pre-cut or pre-engraved into the wax of the candle. In fact, the lines forming the cross, the Alpha and Omega, and the numbers expressing the current year, along with the five red wax nails sealing the grains of incense, form a more completely symbolical unit after the mind of the Church than just the five red wax nails appearing alone.

However, since tastes and wishes differ considerably, some may want their Easter candle one way, others another way.

We therefore offer the following conclusions for the priest and the candlemaker, for cases where tastes differ. At least, the following shows how misunderstandings might arise and that there is some need for simplifying the matter:

(A) When preparing the Easter candle, the candlemaker should know whether the priest, for whom the candle is intended, will use the candle for Holy Saturday morning services or for the new Easter Vigil rite on Holy Saturday night.

(B) If the priest wants the candle for Holy Saturday morning services, then of course a candle with the usual five holes for the grains of incense and the five red wax nails will suffice. If he still wanted a candle with the new insignia added, that would be for the priest to declare.

(C) If the priest wants a candle for use at the new Easter Vigil rite for Holy Saturday night, then:

(1) The candlemaker should know whether the priest wants the insignia (lines forming a cross, the letters Alpha and Omega, and the numbers representing the current year) cut or carved or engraved into the wax of the candle beforehand, or not.

(2) If the priest wants the insignia carved or engraved or cut into the wax beforehand, the candlemaker should know whether the priest wants these impressions colored, and with what color. The writer suggests that red be used, since the wax nails are usually red, and the red harmonizes easily, as said before, with the wax of the candle, although any combination of colors is permitted, according as the artist judges most fit.

(3) If the priest does not want the new insignia carved or en-

graved or cut into the wax beforehand, he may want them traced or outlined or indicated in some way beforehand, or just lightly scratched into the wax, to serve at least as some slight guide to the priest during the ceremony, if he is one of those who wishes to do all the carving himself during the ceremony.

(4) Some priests may even want the candle entirely unmarked, intending to take care of the artistic work themselves.

(D) By way of a final word, we should not look for the rubrics of the Church to descend to minute particulars in a matter of this kind, unless there is special reason for doing so. The very wording of the rubrics for the new rite, with regard to allowing the insignia to be prepared beforehand, either with colors or in some other visible manner, indicates a broadness which leaves considerable liberty as to how this preparing of the insignia beforehand is to be done.

The Church is mainly concerned about the symbolism, and therefore, even though the insignia are carved or engraved in some manner into the wax of the Easter candle beforehand, or even colored to insure neatness and visibility, the priest can still carry out the rubrics by using a stylus or some sharp instrument and cutting lightly along the path of the "incisions" already made beforehand by the candlemaker or others who prepare the candle. Certainly, this is no violation of the rubric, nor a mere lame way of fulfilling it, but a proper and dignified way for carrying it out.

Any priest who has officiated at the new Easter Vigil rite on Holy Saturday night will have little difficulty in agreeing with the interpretation here presented. It was therefore to offer a simplification of this matter of new insignia on the Easter candle, and to remove some doubts in the minds of priests, that these pages have been written.

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Crookston, Minn.

DOPEY

Sister Julia lowered her big frame onto the torturous straight-back chair in the community room. She picked up her marking pencil to attack the pile of papers before her. However, before she had located the paper she was most worried about, a soft voice addressed her from the doorway.

"Sister Julia, I hate to take you from your papers; but will you come with me? We must buy a dog." The Superior passed on taking her consent for granted.

"A dog." Sister Julia had never had a dog. She thought of "Pete" the pale yellow canary that had died when she was so small that she had to be lifted on to her big brother's shoulder to have it peck at her tiny finger. So heartbroken had she been that the boys had put the stuffed duck from her Easter basket on the empty bar—and she couldn't understand why Pete had so suddenly become a stranger. . . .

And there was the kitten she had brought home one day. Mama who was ironing one of her many ruffled petticoats had said: "Yes, dear, it is a beautiful kitten; but Mama's afraid that she might hurt it. It might crawl around my feet someday and make me drop the iron on it." No! not even all her longing for this cuddly ball of fur would let her subject it to such a possible fate as a broken back—broken by her own darling Mother!

But a dog? Impossible! Alice was afraid of them. How Alice who was six years older than herself could be afraid of dogs she could never understand. But Alice was different. A mystery of decorum—to be admired and emulated. And now—after renouncing all things—she was to get something she treasured most. It was part of the hundredfold.

The chair groaned gently as Sister Julia raised herself with the assistance of the table. She pinned her veil on securely. Would she ever understand human nature? Had any one asked her, she would have sworn that Sister Celeste Marie, her Superior, was the last one in the world to buy a dog. To Sister Julia she had always seemed the incarnation of the Lord's injunction to be "as wise as serpents and simple as doves." True, she had difficulty at times to tell where the serpent ended and the dove began.

"Are you ready, Sister?"

Sister Julia followed the black-garbed, black-gloved figure down the stairs. They paused on the porch, while Sister Celeste Marie scanned the sky for a threat to the radiant sunshine.

"I'm glad we're getting a dog. It really isn't safe without one. I'll be glad to take care of it, Sister." This was what Sister Julia considered being very subtle.

"Sister, this dog isn't for us. It's to replace the one Sister Sarah chanced off at the Package Party. Surely you remember." Sister started down the steps and made for the bus stop.

In the bus, Sister Julia looked at her open prayer book with unseeing eyes. Package Party! That one spree in the otherwise uninterrupted humdrum regularity of the school's routine which took place every Shrove Tuesday. Ordinarily she enjoyed this harmless Mardi Gras where children brought all the useless Christmas gifts and bingo prizes collected during the year wrapped mysteriously in gaily colored paper. It must have been the serpent in her Superior that thought up that piece of foraging.

Sister closed her book, then opened it again. "You that love the Lord hate evil" her eyes read but her thoughts went on: One could love God and hate what Sister Sarah had done . . . it wasn't as if one hated Sister Sarah. . . . Wasn't it evil to come into Sister Julia's own eighth grade and steal the pennies out of the poor children's pockets before her very eyes? Her soft cooing voice would have charmed the last cent out of them had she been peddling cobras. No wonder the third grade had come out first.

The Superior indicated that they had arrived at the desired stop. As they walked over to the shop, Sister Celeste Marie told her companion of dear Sister Sarah's embarrassing position—$5.17 made on the dog—and then the dog never arriving. Jane's mother had sold it. She had told Sister that morning.

"Good afternoon. I'm the sister who called about a dog a few minutes ago. Do you have it ready?" Sister Superior had told Peggy Joyce, the lucky winner, to be at the convent by two to pick up the prize she had waited three months for.

"But Madame, you did not say what kind of dog you had in mind."

"Oh! I'm sorry. About five dollars worth," she smiled. Dogs is dogs to Sister Celeste Marie.

After a startled glance, he led the two nuns out to green pastures where canines of all shapes, sizes, and colors cavorted joyously. Sister Julia was in heaven. She ran from one wired fence to another with as many oh's and ah's. The man, however, was leading them to what evidently was—or should have been—an isolation ward. The Thing that looked at them belligerently from the other side of the fence had nothing in common with a dog except fleas. Of that unifying bond he left no doubt.

Sister Julia backed away. So this is what happens when one comes in touch with the realization of one's inordinate desires. It was what Solomon had meant when having tasted all this world's lawful and unlawful pleasures, he uttered his "Vanitas, vanitas. . . ." Sister wasn't sure of the quotation, but she felt the sting of it. Now was the time to light a flax and intone "Sic semper canibus" . . . but not yet. . . .

"Those little scotties over there?" she asked timidly.

"Thirty-five dollars each," came the laconic reply.

Sister Superior staggered slightly. "Is this the *only one* for five dollars?" she inquired weakly.

"We're expecting a litter in a week or two. . . ." Sister shook her head. She remembered Sister Sarah's promised one from a pre-Lenten litter. She smiled at him with forced brightness. "Well, thank you. We were just looking around . . ." and the two desperate nuns strode out to the bus driver who was having a smoke between trips.

"Are there any more kennels along your route?" she questioned as if the bus operated strictly between doghouses.

The man studied her for a few minutes before withdrawing his cigarette long enough to say, "Well . . . there's a place next to Pierre's Place. . . ."

The dispatch with which Sister entered the bus led her subject to believe that Sister had had traffic with Pierre before. Perhaps he was the Superior's cousin—the Holy Rule forbade discussing one's family. But in the middle of early afternoon traffic, the dove-like one approached the cop who controlled the lights at the three-way intersection.

"Do you know where Pierre's Place is?"

Crimsoned face, his Adam's apple working up and down spas-

modically, Officer Clancy managed to gulp out while for a moment he turned all three lanes green: "Pierre's Place? Up the hill about two streets."

The nun's gentle "Thank you" was lost against the screeching brakes and muttered imprecations.

They continued their way with lowered eyes.

"He was very kind," remarked the Superior, giving the younger woman an opportunity to break silence.

"Yes," Sister Julia agreed. "Do you think he is Sister Antoinette's cousin? He's a cop." But before Sister had a chance to reply a long low moan came from between Sister Julia's lips. They had come to Pierre's Place.

Sister Julia lowered her eyes still lower as if by so doing she could blot out the placards before them. Surely this was what the good Saint Paul had in mind when he wrote "let it not so much as be mentioned among you." Well she was quite sure she'd never mention it; and Sister Celeste Marie certainly . . . . But why was she stopping here? She looked at her superior poised beside the dancing girl. It was quite evident that she hadn't paused to point out contrasts. She looked distressed.

"Do you think we should go back and tell him—that nice officer—that we were going next door?" Sister Julia dissuaded her. Let bad enough alone.

Next door however was a big disappointment. They sold dog biscuit, bird seed, catnip—in short anything the well-cared-for pet could desire. They had no pets.

By means of many cars and subways, always subtracting the fare from the initial amount, Sister Celeste Marie and Sister Julia at last got their dog for the unique price of $3.67. That allowed for return fare home. The man wasn't too happy about the sale. He looked long and hard through the many overcrowded crates before dragging out a small water spaniel—that was his answer to Sister's query—with one black eye balancing a black floppy ear.

He was the cutest thing that Sister Julia had ever seen. But she was worried. Why was he spread turtle-wise on the counter?

"Is he old enough to leave his mother?" she asked delicately.

"Yeah. He's old."

"What can he eat?" Maybe she could feed him just once before Peggy took him off.

The man tied a rope around the none too clean box and punched holes into the top. "Anything. Anything you eat except mash potatoes and chicken bones." Sister Julia looked thoughtful. Did any of the Sisters eat chicken bones? She couldn't remember any doing it. She must remember about the potatoes though. Personally she loved them and couldn't imagine their being harmful to anyone.

On the three cars, the subway and the bus that took them back to the Convent, Sister Julia stuck her black-gloved finger into the various holes—hoping that it wasn't against Holy Poverty, since he might nip a piece of silk off the end of a finger. You can never tell with pups. Not a nibble! Of course he didn't know her yet. Then again maybe the black covering frightened the little thing—Lord love him. She couldn't wait till she got home.

Sister Sarah had been plying Peggy with cookies and milk for hours while they waited patiently for the dog. So it was Sister Sarah who fed him. She put a low saucer of milk in front of him. He walked through, making little milk tracks on the porch floor. Sister Sarah seemed to think this was awfully cute. She didn't have charge of the porch.

"Isn't he precious?" The siren's chant began. "Wait." She wiped his leaking paws with a fresh tissue. "Let's call him Dopey?"

Sister Julia was on the defensive at once. It imputed certain qualities to the dog that she would not admit. But Sister Sarah said it was because he was so cute like the little dwarf in the moving picture they had had for Mother's feast day. Peggy jumped up and down saying "Dopey! Dopey!" It was Peggy's dog, Sister Julia remembered sorrowfully.

"Take him home to your mother, Peggy," said Sister Celeste Marie. At once she became the efficient superior who never took time to look at a dog.

Sister Julia stooped to pick up the saucer of milk. She looked at Sister Sarah. She remembered the section of the Holy Rule on mortification of the tongue. She said nothing.

That night Mrs. Joyce called Sister. Dopey wasn't feeling well. Sister Julia listened to her Superior listing Dopey's pedigree and virtues. It was too bad Dopey couldn't have heard her. It would have shamed him into living up to his reputation. However, Sister heard the gentle nun say, "If he isn't better in the morning, Mrs.

Joyce, have your husband bring him over the very first thing and I'll have the men call for him." Sister Julia couldn't ask about the men because just then the night tolls rang.

Next morning Mr. Joyce left the box at the door, and although Sister Julia had wanted to play with him for a while before taking him back, the thought of the papers that had gone uncorrected the day before offset the temptation. She would see him when they arrived at the store. For Sister Sarah and she turned out to be "the men."

It wasn't the same man who had tended to their business the day before. This one was a nasty man that spoke out of the side of his mouth.

"What's wrong with him?"

"He won't eat," said Sister Julia compassionately . . . poor little thing . . . helpless little creature of God. . . .

"What did you give him?" Savagely he attacked the knots.

"Oh, we didn't give him mashed potatoes or chicken bones."

The knots angered him. "Joe, did you sell this lady a dog?"

Joe looked out. "Yeah. What's wrong with him?" Aggressively, as if he remembered the sixty-seven cents.

"He won't eat."

"He wouldn't even drink milk," Sister Sarah corroborated.

The man dug deeper into the box. Sister Julia leaned forward expectantly. Perhaps Dopey would remember her.

Dopey had long ceased to remember anything. Stiff in death he resembled a stuffed dog curled on the playroom floor. Sister Julia was all pity, but just then Sister Sarah became sick.

The shopkeeper took one look at them—one look at Dopey. He held him aloft.

"Hey, Joe!" He yelled to his partner who had returned to the room behind the shop. "Look, Joe. *He don't eat!*"

* * * * *

Sister Julia returned to her neglected papers. She looked at the clock. In a few minutes she would take Sister Sarah an alka-seltzer. . . .

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THE QUESTION OF ECCLESIASTICAL FAITH

In publishing their brilliant résumé of Bishop Fidel Garcia Martinez' article, "Ecclesiastical Faith: A Modern Misconception," the editors of the new *Theology Digest* have given readers of American Catholic periodical literature a valuable introduction to one of the most ardently debated subjects of recent times.[1] The "fides ecclesiastica" of which Bishop Garcia Martinez speaks is the absolutely firm and certain acceptance of a teaching on the authority of the Church which proposes that teaching and not on the authority of God Himself. It must be understood that what is accepted *de fide ecclesiastica* is always accepted with an absolutely certain assent. It is thus definitely distinct from the material accepted with that "true and inward religious assent" which is only morally or practically certain. And, still more, it is distinct from teachings which the authoritative *magisterium* of the Catholic Church imposes upon the faithful for acceptance merely as *doctrina tuta*. According to the theologians who uphold the validity of the concept of "ecclesiastical faith," a doctrine which must be accepted with this assent is one which the Church's *magisterium* has proposed, not only authoritatively, but also infallibly.

As it is used and defended by the men who contradict the teaching of Bishop Garcia Martinez, this *fides ecclesiastica* differs from the *fides divina et catholica* in that the latter concerns only teachings which have been formally revealed by God and proposed as such by the infallible *magisterium* of the Catholic Church, while the former has to do with truths which, though not formally revealed in themselves, are so intimately connected with the actual divine message that the Church could not act as a living and infallible teacher and guardian of divine supernatural public revelation unless it had been empowered by Our Lord to pronounce infallibly on these connected questions also. Thus the supporters of the *fides ecclesiastica* represent it precisely as the assent which must be given to an infallible declaration or definition of the Church about one of these truths not revealed in itself but still intimately connected with the content of divine public revelation.

[1] *Theology Digest* I, 1 (Winter, 1953), 59-63.

Within this category they list theological conclusions in the strict sense of the term (truths which are only virtually revealed, as distinct from those revealed formally, even though in an implicit manner), dogmatic facts, pertinent teachings within the field of philosophy, final approval of religious orders, and the canonization of Saints. Unquestionably the *magisterium* of the Church can issue and does issue absolutely irrevocable and infallible declarations and decisions on these subjects. These authoritative statements unquestionably demand from the faithful completely certain and irrevocable assent. A great number of the manuals of sacred theology current in our time assert that, in such a case, the assent due to these teachings is that of a strictly ecclesiastical faith.[2] Bishop Garcia Martinez, and with him an ever-increasing number of contemporary theologians, believes firmly that the concept of a strictly or merely ecclesiastical faith has no validity, and that the assent actually due to infallible pronouncements of the Church's *magisterium* in such fields as those of the theological conclusion and the dogmatic fact is that of divine and Catholic faith itself.[3]

What Bishop Garcia Martinez has done in the article so brilliantly résuméd on the pages of *Theology Digest* has been to offer a rebuttal to the argument in favor of the *fides ecclesiastica* and to restate and develop one of the counter-arguments, that which

[2] Thus Tanquerey-Bord, *Synopsis theologiae dogmaticae fundamentalis* (Paris, Tournai, Rome: Desclée, 1937), p. 638; Pesch, *Institutiones propaedauticae ad sacram theologiam*, 7th edition (Friburg in Bresgau: Herder, 1924), p. 393; Msgr. Caesar Manzoni, *Compendium theologiae dogmaticae*, 4th edition (Turin: Berrutti, 1928), I, 235; Bishop Hilarinus Felder, O.F.M.Cap., *Apologetica sive theologia fundamentalis*, 2nd edition (Paderborn: Schoeningh, 1923), II, 270; Canon J. M. Hervé, *Manuale theologiae dogmaticae*, 18th edition (Paris: Berche et Pagis, 1934), I, 520; Joachim Salaverri, S.J., in his *Tractatus de ecclesia*, nn. 898-902, in the *Sacrae theologiae summa*, 2nd edition (Madrid: Biblioteca de autores cristianos, 1952), I, 786 ff.

It is to be noted that Fr. Salaverri does not use the term "de fide ecclesiastica," but employs as an equivalent the expression "de fide catholica stricte." Pesch teaches (*loc. cit.*) that ecclesiastical faith is reducible to divine faith.

[3] Cf. Archbishop Valentine Zubizarreta, *Theologia dogmatico-scholastica ad mentem S. Thomae Aquinatis*, 3rd edition (Bilbao: Eléxpuru, 1937), I, 411 ff.; Blaise Beraza, S.J., *Tractatus de virtutibus infusis* (Bilbao: Mensajero del Corazón de Jesús, 1929), pp. 233-246; Francisco Marin-Sola, O.P., *L'evolution homogène du dogme catholique*, 2nd edition (Fribourg, Switzerland: Oeuvre de Saint-Paul, 1924), I, 226-421; Guérard des Lauriers, O.P., *Dimensions de la foi* (Paris: Cerf, 1952), II, 285 f.

had been previously offered by Fr. Blaise Beraza, S.J., in his *Tractatus de virtutibus infusis*, published in 1929.[4]

The proof offered in support of the validity of the notion of a *fides ecclesiastica* distinct from the *fides divina et catholica* is always based on the fact that God has empowered the Church to teach authoritatively and infallibly in such fields as that of the dogmatic fact, and on the contention that such teachings have not been formally revealed by God. This contention or assumption carries with it the inference that the Church's infallible statements in the field of the dogmatic fact cannot therefore be proposed as God's teachings, and thus cannot legitimately receive or even claim the assent of divine faith from the faithful.

Bishop Garcia Martinez counters this argument with a development of a demonstration which had been elaborated previously by Fr. Beraza. In his *Tractatus de virtutibus infusis*, Fr. Beraza had reasoned, in what is by far the most effective of the four arguments he offers in favor of his conclusion, that

> Whatever is revealed by God can be believed by divine faith. But it is revealed by God that the judgment of the Church, defining anything by its supreme doctrinal authority, is infallibly true. Therefore the judgment of the Church, thus defining something to be infallibly true, can be believed with divine faith.[5]

Fr. Beraza gave an exceptionally clear explanation of this process of reasoning. He taught that

> The man who believes that the Church's judgment is true believes also that the object of that judgment is exactly what the Church judges it to be. For, to believe the Church's judgment to be *true* is the same thing as to believe that the object of the judgment is as it is represented in the judgment. If therefore you believe with divine faith that the judgment of the Church, here and now defining something, is infallibly true; by that same faith you would necessarily believe that the object of that judgment is exactly as it is asserted to be in that judgment by the Church.
>
> Thus if you should believe by divine faith that the judgment of the Church defining the fact that the famous five propositions of Jan-

[4] Cf. Beraza, *op. cit.*, especially pp. 235 f.
[5] Beraza, *op. cit.*, p. 234.

senius are really contained in Jansenius' book is infallibly true; you could not fail to believe in the same act of faith that those five propositions of Jansenius are contained in Jansensius' book. For a *true* judgment, as true essentially includes the object and its conformity with the judgment.[6]

Furthermore, Fr. Beraza makes the very telling point that "in the universal revelation [that all of the doctrinal pronouncements in which the Church uses its supreme apostolic teaching power are infallibly true], there are also revealed all the particular propositions contained in that [universal] revelation." Furthermore, in establishing the fact that "all the things that can be the object of ecclesiastical faith are contained in the deposit of revelation," he makes a uniquely valuable contribution to the study of sacred theology in bringing out the meaning of that connection by which the truths which fall within the secondary object of the Church's infallible *magisterium* are said to be joined to the doctrines which constitute the primary object of that same teaching activity.

Those things are said to be the object of ecclesiastical faith which are connected with the deposit of revelation, and without which this [deposit of revelation] could not be preserved in its entirety. But these things, despite the fact that they are said to be connected with the deposit of revelation, are really within the deposit of revelation. This connection is doubtless a relation of some kind. This, since it is mutual, is not only a relation of the other truths with the deposit of revelation, but also a relation of the deposit of revelation with these other truths. Consequently, the *magisterium* of the Church, as something spiritual and supernatural, has reference to the *other truths*, not considered absolutely in themselves, nor even according to the relations which they have to the deposit of faith, but rather according to the relations which the deposit of faith has to these [other] truths. If these are such that from their affirmation or denial there would follow an implicit affirmation or denial of some correlative truth contained in the deposit of faith, these things are themselves implicitly revealed; and thus, properly speaking, they are not outside but inside the deposit of revelation.[7]

Like Bishop Garcia Martinez, Fr. Beraza insists upon the fact that there can be no such thing as an absolutely certain assent of faith based on other than the divine authority itself. He like-

[6] *Ibid.*, pp. 234 f.

[7] *Ibid.*, p. 239.

wise makes effective use of two documents of the *magisterium*, documents which have not usually been given sufficient consideration in the study of this particular question.

First, he points to a statement in the Vatican Council's constitution *Pastor Aeternus*. The Council declared that "The Holy Ghost has not promised to Peter's successors that, with Him revealing, they might make known any new teaching, but [He has promised them] that, with Him assisting them, they might guard in a holy manner and faithfully expound the revelation handed down through the Apostles, or the deposit of faith."[8]

This is obviously a serious argument against the validity of the concept of a merely ecclesiastical faith. It would be idle to imagine that there could be any such thing as an infallible definition or declaration by the Church's *magisterium* apart from the assistance of the Holy Ghost. And, according to the teaching of the Vatican Council itself, that help or assistance is given to the Popes (who have the same infallible teaching power as the *ecclesia docens* as a whole) precisely for the sake of guarding and proposing the actual doctrines which have been given to the Church as divine revelation through the Apostles.

The second of the two documents to which Fr. Beraza appeals so successfully is the profession of faith ordered by Pope Pius IV. In this formula the Catholic asserts his profession of and belief in all the articles of the Apostles' Creed and in each one of these articles taken individually. Likewise he states his acceptance of "the apostolic and ecclesiastical traditions and the rest of the observances and constitutions of the same Church," and of the Church's own interpretation or explanation of the Scriptures. He asserts his belief in the existence of the seven Sacraments, in the character of the Mass as true and proper and propitiatory sacrifice for the living and the dead, in the existence of purgatory, and in the primacy of the Roman Church. Then, in the final paragraph of the formula, the Catholic makes the following profession.

> Without hesitation I accept and profess all the other things which have been proposed, defined, and declared by the sacred canons and by the oecumenical councils, and especially by the holy Council of

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[8] *DB*, 1836.

Trent (and by the oecumenical Vatican Council, particularly with reference to the primacy and the infallible *magisterium* of the Roman Pontiff); and at the same time I likewise condemn, reject, and anathematize all the teachings opposed [to the above], and every one of the heresies condemned and rejected and anathematized by the Church.[9]

The formula of Pope Pius IV designates the sum-total of the doctrine listed and asserted within it as "this true Catholic faith, outside of which no one can be saved." Thus, as far as the profession itself is concerned, the acceptance of the articles of the Apostles' Creed and the assertion of belief in the teachings of the sacred canons both fall within the limits of a statement of Catholic faith.

The "sacred canons" to which the formula refers are, of course, the various pontifical declarations and definitions in which the Sovereign Pontiff has spoken authoritatively and infallibly to the faithful. Many of these declarations and definitions had to do with truths which fell within the secondary, rather than within the primary, object of the Church's infallible *magisterium*. Obviously the "constitutions" of the Church, which the Tridentine profession of faith mentions, and which are likewise accepted in an act of "true Catholic faith," may also contain some declarations about theological conclusions and dogmatic facts, as well as statements or judgments about formally revealed truths.

It cannot be denied that Fr. Beraza and Bishop Garcia Martinez have offered cogent and impressive arguments against the validity of the concept of a merely ecclesiastic faith. Yet by far the most formidable work in this cause has been done by Fr. Francisco Marin-Sola. His book, *La evolución homogénea del dogma católico*, which appeared in 1923, will undoubtedly rank as one of the outstanding theological monographs of the twentieth century. What has actually proved to be the definitive edition of this book is the French translation, which was published a year after the printing of the Spanish original.[10]

[9] *DB*, 1000.

[10] The content of this book first appeared in the form of articles in the Spanish periodical *Ciencia tomista*. The publication of these articles, and of the book into which they were gathered, led to a highly enlightening, though sometimes rather heated, controversy. Fr. Marin-Sola's conclusions were disputed by Fr. Reginald Schultes, O.P., of the Angelico. His definitive publication on this subject is the book *Introductio in historiam dogmatum* (Paris: Lethielleux, 1922).

Fr. Marin-Sola brought out an imposing array of speculative theological arguments against the possibility of a strictly or merely ecclesiastical faith. Yet his outstanding contribution to the discussion is to be found in the field of the history of sacred theology. He brought out the fact that the *concept* of an ecclesiastical faith first appeared in Catholic theological literature towards the end of the sixteenth century. He likewise showed that the *term* "ecclesiastical faith," as it is used in contemporary manuals, was first employed in an instruction issued by Archbishop Hardouin de Péréfixe of Paris on June 7, 1664.

The terminology used by Archbishop de Péréfixe had long been remarked by historians of sacred theology. Thus, to give one rather interesting example, Gianvincenzo Bolgeni wrote that

> At that time there were an astonishingly large number of writings which the Jansenists published in defence of Jansenius' doctrine. In these sinister works they contended openly that Jansenism is only an imaginary heresy, and that the Jesuits are doubly heretics: because they assert that the fact and the law are inseparable in the case of the five condemned propositions, and again because they claim that the Church is infallible on a question of fact as well as on a question of law in such a way that one may believe with divine faith that the five propositions are taken from the book of Jansenius and condemned in his sense. Msgr. de Péréfixe, having become Archbishop of Paris, tried to make peace by publishing, on June 7, 1664, a Mandate in which he said that "the Constitutions of the Popes and the prescribed formula do not demand an assent of divine faith on what has reference to the fact, but only a human and ecclesiastical faith which obliges a man to submit his own judgment sincerely to that of his superiors.[11]

Fr. Marin-Sola was able to show how this expression, "human and ecclesiastical faith," had entered into the literature of sacred theology out of this very mandate or instruction. The illustrious Spanish Dominican brought out the fact that, prior to the issuance of his instruction of June 7, 1664, Archbishop de Péréfixe had gathered some of the professors of theology of the Sorbonne into a conference. He believes that the expression "human and ecclesiastical faith" was chosen during the course of that conference as a designation of the type of assent demanded for the Church's

[11] Bolgeni, *Fatti dommatici ossia della infallibilità della Chiesa nel decidere sulla dottrina buona o cattiva de' libri* (Brescia, 1788), pp. 55 f.

definitive pronouncement on a question of dogmatic faith. He notes that the first theologians to make use of this expression in their manuals were the great professors of the Sorbonne, like Honoré Tournely, Charles du Plessis d'Argentré, and Martin Grandin, the last of whom certainly took part in the conference called by Archbishop de Péréfixe to prepare the text of his instruction.[12]

As for the concept of a merely ecclesiastical faith (as distinct from the expression itself), Fr. Marin-Sola was able to trace it, clearly expressed, back as far as the early seventeenth-century writings of Granados and Becanus. It appeared in theological literature as the development of a somewhat singular teaching put forward by the great Luis de Molina, S.J., towards the end of the sixteenth century.

Molina had contended (as the first to propose this teaching, according to Fr. Marin-Sola), that a truth which is properly a theological conclusion can never be proposed or defined by the Church as a dogma of the Catholic faith. He was convinced that a truth which was properly a conclusion deduced from revealed datum retained that status even after the infallible pronouncement of the Church itself. Once the Church had spoken, there were two ways in which the individual Catholic could accept this teaching: first by the use of the deductive process which the Church itself had employed in arriving at this conclusion, and second by the use of the following syllogism:

The Church cannot err in its definitions.
This or that proposition is defined.
Therefore it is certain and true.[13]

Molina held that the first process (the use of the deductive process which the Church itself had employed) was available only to theologians within the Church. The general syllogism, showing the acceptability of any conclusion defined by the Church as a true and certain statement was, in his opinion, within the competence of all the faithful.

The concept of a strictly and merely ecclesiastical faith took final shape, however, in the writings of Jaime Granados, one of the defenders of Molina. He wrote as follows:

[12] Cf. Marin-Sola, *op. cit.*, I, 407 f.

[13] Cf. Molina, *Commentaria in Primam Divi Thomae partem*, q. 1, art. 2. The text is given in Marin-Sola, *op. cit.*, I, 413.

There are two ways in which a man can assent to these propositions [theological conclusions] defined by the Church. One way is by deducing them from the revealed principles, as the Council or the Pontiff have done. The man who assents in this way elicits an act of theology, to which this assent belongs. The other way is to assent without any discursive process, but by reason of the authority of the Church itself. This is the act which is usually elicited, not only by the unlearned [in sacred theology] but also by experts [in this field]. Still, this is not elicited by means of an act of divine faith, as we have said. Nor [is it elicited by means of] the *habitus* of theology, since it is not discursive. It belongs, however, to a kind of most certain human faith, because it is based on the infallible authority of the Church. Faith of this kind is easily observed in the unlearned, as is that other by which they believe that those whom the Pontiff lists in the number of the Saints are actually resting in the Lord and are really enjoying the Beatific Vision.[14]

Martin Becanus distinguished three different kinds of faith. One was true divine faith, in which a man assents to a proposition on the authority of God who has revealed it. Another is a merely human faith, exemplified by the assent which a heretic might give to some teaching on the authority of Luther or Calvin. The third is neither purely divine nor purely human, but, as it were, mid-way between these. It is belief in or acceptance of some teachings on the authority of the Church.[15]

Fr. Marin-Sola asserts that Becanus, who died forty years before the issuance of Archbishop de Pérefixe's instruction, was one of the favorite authors of those Sorbonne theologians who were, with their Archbishop, responsible for the appearance of the term "ecclesiastical faith" in the literature of Catholic theology.[16] And it is manifest from even a superficial study of the history of Catholic theology that the notion of a certain and absolutely firm acceptance of Catholic teachings, motivated by the authority of the Church and not by the authority of God as the Revealer, became accepted during the eighteenth and nineteenth centuries.

[14] Granados, *Commentarii in summam theologicam Sancti Thomae*, Vol. I, q. 1, disp. 3, n. 24. The text is in Marin-Sola, *op. cit.*, I, 415.

[15] Cf. Becanus, *Summa theologiae scholasticae*, De fide, cap. 9, q. 8, n. 8. The text is in Marin-Sola, *op. cit.*, I, 416.

[16] Cf. Marin-Sola, *op. cit.*, I, 417.

In combatting the objective validity of this notion, Fr. Marin-Sola made use of some interesting arguments. He employed eleven distinct demonstrations to support his conclusion that all the truths accepted as completely certain by reason of the Church's teaching are believed with an act of genuine divine faith. Several of these demonstrations are taken from the teaching of St. Thomas Aquinas. Some of them apply directly to theological conclusions, while others have reference to all the truths classified as within the secondary object of the Church's infallible *magisterium*.

Outstanding among these proofs are those based upon the following contentions:

1) There is no such thing as an infallibly certain and true faith other than that which is based on the authority of God.

2) What is revealed mediately or virtually is truly something spoken by God. It is an explanation of His teaching.

3) The man who denies (obstinately) a truth proposed infallibly by the Church is a heretic, and the sin of heresy necessarily involves a contradiction of the divine message itself.

4) The infallible teaching of the Church cannot propose any new doctrine, but only an explanation of the deposit of public divine revelation.

The validity of the third of the reasons I have just mentioned has been brought out with special clarity in a recent and very valuable book which, incidentally, defends the concept of a merely ecclesiastical faith. Fr. Sisto Cartechini, in his brilliant work, *De valore notarum theologicarum*, lists, as the censures applicable to a contradiction of a teaching *de fide ecclesiastica definita*, the qualifications of anathematization and of *haeresis circa fidem ecclesiasticam*. The same distinguished author holds that the censures applicable to a teaching that contradicts a dogma of the faith are the qualifications of anathematization and *haeresis circa fidem divinam*.[17]

I do not believe that there can be any serious quarrel with Fr. Cartechini on this matter. It would seem that the basic reason that constituted the Jansenists as heretics was their refusal to accept the authoritative and infallible decision of a Sovereign

[17] Cf. Cartechini, *De valore notarum theologicarum*, pp. 134 f.

Pontiff about a dogmatic fact. The men of Port Royal claimed that they rejected with the Church the five propositions condemned by Pope Innocent X in the Constitution *Cum occasione*. What they would not admit, however, was the fact, likewise taught authoritatively and infallibly by the Sovereign Pontiff, that these propositions expressed teaching actually contained in the book, *Augustinus*. That refusal gained them the designation of heretics.

Thus, the argument of Fr. Marin-Sola is quite apposite. If he can show (as I believe that he has shown), that it is impossible to have the sin of heresy apart from an obdurate contradiction of divinely revealed truth proposed as such by the Catholic Church, he has won his point.

The argument based on the first of the four reasons I have cited as used by Fr. Marin-Sola is obviously powerful, and, it would seem, ineluctable. That based on the fourth of these reasons is likewise convincing. Actually, it is substantially the argument based on an appeal to the text of the Vatican Council and of the Profession of Faith of Pope Pius IV.

The second of these contentions, however, seems to form the basis not only for a proof, but also for a highly acceptable statement or exposition of Fr. Marin-Sola's teaching. In the last analysis, if statements set forth in an authoritative and infallible manner by the *magisterium* of the Catholic Church are to be accepted on divine faith, it can only be by reason of the fact that God Himself has taught these truths. And, in order to see how a teaching like a dogmatic fact can really enter and has really entered into the fabric of divine public revelation, we must carefully examine the very nature of the revealed message itself.

Always adverting to the fact that we are using the term "spoken" analogously (though not metaphorically), we must remember that divine public revelation is a *spoken* message. Formally considered, it is the *locutio Dei ad homines per modum magisterii*.[18] God spoke of old to the fathers in the Prophets, and He has spoken to us in His Son.[19] This teaching was handed over

[18] Cf. Reginald Garrigou-Lagrange, *De revelatione per ecclesiam catholicam proposita*, 4th edition (Rome: Ferrari, 1945), I, 143.

[19] Cf. Heb. 1: 1. This verse is used by the Vatican Council in its statement of the fact of supernatural revelation. Cf. *DB*, 1785.

or delivered by the Apostles to the Church. They handed it over through the process of teaching it. The message thus delivered (*traditio divino-apostolica*) has been taught continuously by the Church since the Church received it, and will be taught authoritatively and infallibly by the Church militant of the New Testament until the end of time.

Now the Church does this work as a living and infallible teacher. It acts as an *infallible* teacher by reason of the fact that, through the continuing assistance of the Holy Ghost, it presents that divine message inerrantly. It acts as a *living* teacher in so far as it presents this truth effectively to the faithful, in every age and in every part of the world. As a teaching agency, the Church, the Mystical Body of Jesus Christ, acts as the intimately conjoined instrument of Our Lord, who dwells within it and rules over it.[20]

The Church, with Our Lord Himself within it, acts as a true teacher, and not as a mere *repetitor*, of the divine teaching which the apostles delivered to it. It is the function of the teacher to understand and to recognize the doctrine he is commissioned to set forth. It is likewise the work of a teacher to answer questions about the meaning of the doctrine he is engaged in presenting.

The Church, then, would not be a living teacher of the divine message if it could not recognize a contradiction to that message in some oral or written declarations. It would not be a living and infallible teacher unless it could assert definitely and infallibly that some of the statements in its teaching were contradicted in a definite book.

Such was the case when Pope Innocent X condemned five propositions contained in the book *Augustinus* by the Bishop Jansenius. Such was also the case when Pope Alexander VII declared and defined the fact that "the five propositions were taken from the book entitled *Augustinus* and written by the aforesaid Cornelius Jansenius, Bishop of Ypres, and that they were condemned in the sense intended by that same Jansenius."[21] If the Church's teaching power was not competent to make that infallible declaration, then the Church itself would not have been

[20] Cf. Fenton, "Christ the Teacher and the Stability of Catholic Dogma," in *AER*, CXXV, 3 (Sept. 1951), 208-19.

[21] Cf. *DB*, 1098.

a living and effectively infallible teacher of God's revealed message. And, in the final analysis, the declarations of the Church on the subject of this dogmatic fact were nothing else than parts of the process of setting forth God's revealed message as a living and infallible teacher.

Likewise the Church is able to answer questions about the meaning or the import of the message which God has confided to it. The theologian can answer these questions (though obviously not in an infallible manner), through the use of the theological proof. When the Church feels that the proper time has come, it is competent to answer those questions, definitively and infallibly if it wishes to do so. The definitive and infallible answers of the Catholic Church in this particular field are those theological truths which are classified as within the secondary object of the Church's infallible *magisterium*. These truths are taught by the Church, and should be received by the faithful, as part of the process of teaching the revealed message itself.

As a living and infallible teacher, the Church is certainly competent to judge and to recognize that a definite man has exemplified in his own life the following of the divine message. The Church, with the assistence of the indwelling Holy Ghost, and with the aid of the divine signs or miracles which God deigns to attach to the cause of this man, can infallibly declare him a Saint in the performance of its task of teaching the divine message. Furthermore, by reason again of its competence to act as a living and infallible teacher of divine public revelation, the Church can recognize the suitability or non-suitability of a rule of life calculated to lead its children to the heights of sanctity. Thus the Church, in the course of teaching the divine message, can judge infallibly in the approval of religious orders.

In every case the key principle is the same. The Church teaches and acts as a living and infallible teacher of divinely revealed truth. It translates, always correctly and effectively, the message which it has received from Our Lord through His preaching and that of the Apostles so as to bring that message to men of every age and of every culture. Thus it expresses its divine communication accurately and effectively in the vernacular of every age and of every culture.

In the accomplishment of this task, it is obviously able to say when this message has been contradicted in a definite way

in a definite book. It is likewise competent to answer questions inevitably connected with the process of preaching the perennial Christian truth to new peoples and to new civilizations. Always it is engaged in the work of setting forth its one message, the divine teaching revealed through Jesus Christ Our Lord. And, for the infallible statements of its teaching, the Church demands the assent of divine faith.

Sometimes, it must be admitted, the arguments adduced against the validity of a notion of a *fides ecclesiastica* really distinct from the *fides divina* leave something to be desired. Such is the case, I am convinced, with the arguments advanced in this direction by Fr. Guérard des Lauriers in his recent work *Dimensions de la foi.*[22] Such, also, is the case in the explanation given by the learned editors of *Theology Digest* in their introduction to Bishop Garcia Martinez' article.

The following statement is prefixed to the résumé of Bishop Garcia Martinez' article in *Theology Digest*.

> Protestants frequently object that Catholic dogma is totally unlike the belief of primitive Christianity. Catholics reply that their doctrine is the growth, the development, of the seed planted by the preaching of the Apostles. Bishop Martinez maintains that the notion of "ecclesiastical faith" as an assent distinct from "divine faith" renders impossible any explanation of this development of dogma.[23]

The statement that our Catholic dogma or doctrine is the growth or the development of the seed planted by the Apostles would seem to be seriously objectionable. According to the Vatican Council, the Holy Father has been empowered to teach infallibly, not the growth or the development of the primitive Christian teaching, but the "revelation delivered through the Apostles, or the deposit of faith" itself.[24] What the Church teaches to the faithful in this year of grace 1953 is not a mere development of the teaching delivered to the Church by the Apostles. It is that very message, which has been proposed and guarded infallibly by the *ecclesia docens* since the beginning, and will continue to be thus proposed and guarded until the end of time.

[22] Cf. Guérard des Lauriers, *op. cit.*, II, 294.
[23] *Theology Digest*, I, 1 (Winter, 1953), 59.
[24] Cf. *DB*, 1836.

It is true, of course, that there has been an increase of knowledge of the deposit of faith on the part of the Church itself throughout the years.[25] It is the kind of increase which comes to the Church as the perpetual teacher of the same divine revelation. As the years go by, and as the Church accurately and effectively translates that divine message into the vernaculars of divergent peoples and cultures, it is obvious that there must come a genuine increase in knowledge on the Church's own part. The Church, through answering the questions raised about the meaning of God's message, has come to know the implications and the consequences of that message much more perfectly over the course of the centuries. But the Church never wants us to forget that what it teaches now as God's message is not merely the outgrowth or the development of the original message. It is the original deposit of divine public revelation, for which, as a whole and in each one of its parts, the Church demands of the faithful acceptance with the absolutely certain assent of divine faith.

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[25] Cf. the Vatican Council's citation of Vincent of Lerins in its constitution *Dei Filius*, *DB*, 1800.

Answers to Questions

OUR OVERWORKED NUNS

Question: What should be said from the moral aspect of the excessive labor that is sometimes imposed on our nuns, both by their own superiors and by priests in charge of schools or institutions conducted by congregations of sisters?

Answer: That many nuns are overworked at the present day is a fact that no one can deny. The fault is sometimes to be ascribed to priests in charge of schools, hospitals, etc., in which the work is chiefly done by nuns, but more frequently those to blame are the superiors of the sisters. Unfortunately, the virtue of the good sisters, the fact that they willingly continue to labor at their assigned tasks until they are completely exhausted, mentally and physically, furnishes an occasion for burdens unreasonably imposed on them; and perhaps it also excuses from formal sin those who make excessive demands on their charity and zeal. Objectively, however, those who work these sisters to the breaking point are guilty of a grave sin against charity and prudence. I wonder how often it happens that when a sister suffers a nervous breakdown or a physical collapse, the person who is actually to blame ever feels any qualms of conscience. I am thinking particularly of religious superiors.

There is one obligation which all superiors of nuns should particularly take to heart—the obligation to give the sisters (especially those who teach) a reasonable vacation. When a nun must teach the entire school year, then is sent to summer school, then is told to make her annual retreat, then is obliged to clean the convent for the coming year, then is assigned to assist at registration, then must start another school term, and is supposed to keep this up year after year, there is evidently a deplorable lack of common decency, not to speak of Christian charity, in the superior who regulates these matters.

THE OBLIGATIONS OF A WIFE

Question: Is a wife obliged to render her husband his marital rights (a) if he frequently deserts her for several months, (b) when he is intoxicated, (c) when she is tired or unwell?

Answer: While the principle must be upheld that a married person is *per se* bound to render the partner the exercise of conjugal intercourse, which forms the chief object of the marriage contract, whenever the other reasonably requests this act, it must also be emphasized that there is no obligation to accede to an unreasonable petition. Theologians would agree that to the questions under (a) and (b) a negative answer can be given. An unqualified response cannot be given to (c), since weariness and illness admit of many degrees. If a wife feels only slightly weary or unwell, the obligation to render her husband his marriage rights would bind her. If, however, a woman is very exhausted or sick in the sense that she is confined to bed there would be no obligation for her to accede to her husband's request. In the instances mentioned as sufficient to furnish an excuse for refusing to grant conjugal intercourse, theologians regard the petition of the husband as unreasonable.

THE BREAD FOR THE EUCHARISTIC SACRIFICE

Question 1: If the hosts for Mass are made of "enriched flour" is the matter thereby rendered invalid or illicit?

Question 2: What effect on the validity and the lawfulness of the matter for the eucharistic sacrifice has the addition of milk to the mixture in the making of hosts?

Question 3: Can any book or article be recommended that explains the requirements for the preparation of hosts for the sacrifice of the Mass and Holy Communion?

Answer 1: The answer to this question was given in *The American Ecclesiastical Review* for February, 1944, but for the benefit of those who did not see it or do not remember it, this reply can appropriately be repeated substantially:

We have "enriched flour," "enriched bromated flour," "self-rising flour," "enriched self-rising flour," etc. The substances which are

added are mainly vitamins, riboflavin, thiamine, niacin, iron and calcium. The purpose of joining extra ingredients to the wheat is to increase the food-value of the flour. However, the quantity of these extraneous elements is so small that there is no doubt about the use of bread made from such flours as *valid* matter of the Holy Eucharist. For example, in the making of "enriched flour" the maximum quantity of calcium permitted to a pound is 625 milligrams—about one-seventh of one per cent of the whole. The amount of iron, niacin, thiamine, etc., allowed by the Food and Drug Administration is much less. Accordingly, such insignificant additions would certainly not endanger the *validity* of the eucharistic consecration, in the event that the altar breads were made from such enriched flour.

It would not be *lawful* to use such brands of flour for altar breads, when unblended wheaten flour is easily available. Pure flour is still advertised as "white flour," "wheat flour," "plain flour," or simply "flour," and if it is purchased from a reliable firm, those who make altar breads need have no doubts or anxiety about using it. Indeed, even the use of an enriched flour for the making of altar breads would not seem to be *gravely* sinful, since the amount of extraneous matter is so small. . . . In the event that it becomes very difficult to obtain flour that is entirely free from added ingredients, there would be no objection to the use of enriched flour, from the standpoint of theological principles. . . .

An exception must be made, however, in regard to any brand of "self-rising" flour, since bread made from this brand would be leavened, the use of which is gravely sinful in the Latin Church. Furthermore, there is about five per cent of extraneous matter in such flour, which might be a seriously illicit amount, even though there would not be much doubt about the validity of its consecration.

I need only add that I have recently (February, 1953) consulted the office of the Federal Food and Drug Administration in Washington, and found that the regulations reprinted above are still prescribed.

Answer 2: The bread for the Holy Eucharist should be made of wheaten flour and water only; hence, the addition of even a small quantity of milk would be illicit. However, if a comparatively small amount of milk were added (for example, one part to twenty parts of water) there would be no doubt about the validity of the consecration, though it would be venially sinful to use such matter, apart from a very good reason. If milk in notable quantity were used—according to Prümmer (*Manuale*

theologiae moralis [Friburg, 1936], III, n. 170) one-third would constitute a notable amount—the bread would be gravely illicit matter, and apparently also invalid (Cappello, *De sacramentis* [Rome, 1938], I, n. 269).

Answer 3: A thorough treatment of the preparation of the hosts for use in the Holy Sacrifice is found in *Les rites et prières du saint sacrifice de la Messe*, by A. Croegaert (Paris: Dessain, 1938), II, 268-75. A good summary treatment was presented in *The American Ecclesiastical Review*, XXXI, 4 (October, 1904), 374.

FRANCIS J. CONNELL, C.SS.R.

SANCTUARY LAMP

Question: Is there any regulation stating precisely that more than one sanctuary lamp is required? If so, is the number of lamps even or uneven?

Answer: The code of Canon Law states that "at least one lamp must burn night and day before the Tabernacle in which the Blessed Sacrament is kept." The *Caeremoniale episcoporum* explicitly says that there should be at least one lamp burning before the Blessed Sacrament and if there are more the number should be uneven.

EASTER VIGIL AND MASSES ON EASTER

Question: For priests who enjoy the faculty of trination, would the Paschal Vigil Mass, if celebrated at midnight, be regarded as one of the three Masses or would they have the privilege of a fourth Mass?

Answer: The decree issued Jan. 11, 1952, by the Congregation of Sacred Rites tells us that priests who will have offered the Mass of the restored Easter vigil may celebrate Mass again on Easter day; in fact, two or three times if they have the indult.

ATTENDANCE AT BENEDICTION—REQUIRED NUMBER

Question: In order to have Benediction of the Blessed Sacrament is there any specific number of people required to be present? We have Benediction of the Blessed Sacrament at our church on Sunday evenings and I wonder if the number of people present warrants this service.

Answer: It is impossible to determine mathematically just how many people must be present for Benediction of the Blessed Sacrament. Due reverence must be given to the Blessed Sacrament and this must always be kept in mind. It is within the jurisdiction of the Ordinary to determine exactly how many people must be present for this service. We do know that a certain number of people must be present in order that due reverence be secured. There has never been a definition of what constitutes a public assembly or a number of the faithful. Consequently if our inquirer feels that there are not enough people assisting at Benediction of the Blessed Sacrament to warrant proper and due reverence to the Eucharist, then he should discontinue this religious exercise.

FORTY HOURS' DEVOTION—THIRD DAY

Question: "The third day some authors say that there should be no Mass to take the place of the Mass of Deposition, since the deposition is made in the evening. If there is a special Mass, it may not be at the altar of the Exposition; nor may it be a votive Mass of the Blessed Sacrament, unless the Rubrics allow a private votive Mass that day, or the Ordinary permits a solemn votive Mass, or there is an apostolic indult" (Fortescue, *Ceremonies of the Roman Rite Described*).

Wuest-Mullaney and the Manual of Forty Hours' Devotion seem to allow for the Mass of the Blessed Sacrament on the third day when the Devotion is "interrupted." Are they presupposing an Aposolic Indult or the Ordinary's permission?

Answer: It is customary in our country to offer the Mass of Reposition on the third day even though the Forty Hours' Devotion will close only in the evening and as Father Unger says

in his Manual of Forty Hours' Adoration "that seems to be the proper procedure." Martinucci maintains that the Mass should be offered on the third morning if reposition does not take place at the conclusion of the Mass but later in the day, presumably in the evening. On the other hand Wapelhorst argues that the Mass of Reposition should be said regardless of the closing in the morning or the evening.

The Homiletic and Pastoral Review (March, 1943) states that by reason of the mitigation of the Clementine Instruction that has been given to the United States it is permitted to repose the Blessed Sacrament at night during the Forty Hours' Devotion. Almost always the Forty Hours will be closed in the evening of the third day with procession and the proper prayers. "But it is to be understood that the Mass of the third morning is the Mass of Reposition, and should be celebrated at the Altar of Exposition." This seems to be the general custom in this country and the custom is followed without a special Apostolic Indult.

FUNCTION OF DEACON OF EXPOSITION

Question: Recently a priest asked me, a deacon, to expose the Blessed Sacrament at the convent chapel. Was I permitted to incense the Blessed Sacrament since there was no priest present?

Answer: The deacon's privilege consists of only exposing and reposing the Blessed Sacrament. He never takes over the celebrant's duty of incensing.

"FLECTAMUS GENUA—LEVATE"

A decree of the Sacred Congregation of Rites dated Jan. 11, 1953, contains important information for all priests. It recalls that in the absence of a deacon and subdeacon, it is not the server who responds "Levate" to the "Flectamus genua" but the priest alone should say "Levate" when he says the "Flectamus genua." This decree stresses, moreover, that the two expressions, "Flectamus genua" and "Levate," are explained only if a time of silent prayer separates them. "The orations are said in this manner: all rise; the priest standing says 'Oremus, Flectamus

genua'; all kneel with the priest himself and they pray for some time in silence; then it is the priest who says 'Levate,' all rise and the priest says the oration."

ALTAR LINEN REGULATIONS

Question: Kindly give me the regulations about the material for altar cloths. Is the altar cloth to extend to the floor on the sides?

Answer: The Congregation of Sacred Rites insists that altar cloths be made of linen or hemp and strictly forbids the use of other materials, even though they are equivalent to or more serviceable and durable. There are three altar cloths. There may be two under cloths which cover the mensa or one cloth which is doubled to supply the required thickness. The upper cloth should cover the entire mensa or surface of the altar and at each end go down to the floor without touching it.

RINGING ALTAR BELL

Question: Kindly tell me if the altar boy should ring the bell at the *Domine non sum dignus* of the Mass.

Answer: The rubrics direct the server to ring the bell at the *Sanctus* and at the Elevation of the Mass. The Congregation of Sacred Rites has approved the custom of ringing the bell at the *Hanc igitur* when the celebrant spreads his hands over the chalice. Dom Britt tells us that the custom of ringing the bell at the *Domine non sum dignus* of the Mass is approved, although there is no justification for the ringing of the bell when the priest pronounces these words before Holy Communion either during or outside of Mass.

WALTER J. SCHMITZ, S.S.

Book Reviews

THE PRIEST IN UNION WITH CHRIST. By Reginald Garrigou-Lagrange, O.P. Westminster, Md.: The Newman Press, 1952. Pp. 209. $3.00.

Every now and then there come to us words of true wisdom from one venerable in age, mighty in knowledge, and holy in prayer. Such is this little book given us by the renowned Dominican Friar Reginald Marie Garrigou-Lagrange at a time marking his seventy-fifth year of grace and his fifty-fifth year as a Dominican. Fr. Garrigou-Lagrange writes of a life with which he surely must be familiar, marked as has been his priesthood with unstinting service to Christ in His Church.

The format of Fr. Garrigou-Lagrange's book reveals the theologian, in that it is set-up somewhat in the style of a text. The basic thesis is contained in the author's Preface and its words are worth engraving indelibly on our hearts:

> The priest of today, no less than his counter-part of yesterday, must never forget for one moment the words spoken by Christ: "Make it your first care to find the kingdom of God, and his approval, and all these things (i.e. food and clothing) shall be yours without the asking" (Matt. vi, 33). In other words, the end of all our endeavors must not be a mere earthly happiness for the human race freed from every form of oppression, but eternal life—the Kingdom of God. True, it is the final thing to be obtained, but it must always be the foremost of all our intents and purposes. A certain amount of temporal well-being will help us along the road towards eternal life but it must always be subordinate to the final end.

The book is divided in three parts. The author first sets down the dogmatic foundation of the priesthood and then treats of the interior life and the external ministry of the priest of God.

The book is not "easy" reading, but this reviewer guarantees that if it is read carefully and docilely the reader will glean much that will serve him in good stead in the future, be he a student or young priest, and aid him in recapitulating the past if he is growing old in wisdom and age with Christ.

A notable portion of the work is devoted to the ministry of preaching, and its scope is both practical and spiritual. In these days when good preachers of the Word of God seem appallingly scarce we often hear lengthy discussions on improving methods of teaching homiletics,

developing one's assets, cultivating expression, etc. Yet Fr. Garrigou-Lagrange approaches the problem more fundamentally. The gist of all his teaching on sacred eloquence, which should pour forth like milk and honey from the Priest of God, is rooted in the truth expounded by the Angelic Doctor, who wrote that preaching proceeds "from an abundance of contemplation on the mysteries which are to be explained." Whatever good comes from the pulpit will issue in the measure, and only in the measure, that the preacher has learned to pray: "He must ask for this help at all times—before he preaches, while he preaches, and after his preaching. If he continues to pray, his preaching will become a channel of living water flowing down from its divine source."

This noted Dominican's genius is nowhere more at home than when he treats of the priest in union with Mary. This little chapter is a gem among gems which radiates from the diamond truth that "Mary has always been and still is the queen and mother of every apostle."

There are myriad directives given to the priest of the twentieth century, and yet Fr. Garrigou-Lagrange's basic advice is so foreign to our age that it is lamentably by-passed by many who seek and claim they cannot find. In the author's chapter devoted to the priest in union with Christ as Victim we find the answer to many a problem which cannot be answered outside of uniting ourselves completely with the suffering Christ. The schema on page sixty-six which the author has borrowed from Fr. Chevrier is an outline for meditation for one's entire priesthood and will bear untold fruit.

Perhaps one of the author's principal abilities is to present some weighty dogmatic conclusion followed immediately by its practical application in the life of some exemplary priest-saint.

Fr. Shelton has contributed much by his beautiful translation.

WILLIAM J. MANNING

THE PSYCHOLOGY OF SARTRE. By Peter J. R. Dempsey, O.F.M.Cap. Westminster: The Newman Press, 1950. Pp. viii+174, with index. $3.00.

Contrary to the publisher's notice, this work is not an "exhaustive study of existentialism and its high priest, Jean-Paul Sartre." It does not pretend to aim so high and wide. It sets the much narrower goal of examining Sartre's psychology, and is all the more successful because of its self-imposed limitations.

To hail Sartre as "existentialism's" high priest is not only cavalier

but grossly misleading. Sartre is indeed notorious, and in this country may be popularly associated with that chameleon of a term "existentialism." But his "existentialism" is only one of many versions, more superficial, probably, than any, more influential than most, and famous, or infamous, more for its literary and dramatic scintillation than for philosophical depth.

Sartre has undoubtedly succeeded in making a large segment of the reading public on both sides of the Atlantic conscious of "existentialism," and has played no small part in forcing it upon the attention of professional philosophers. What started out by being, as William Barrett called it, "a new and sensational fad from Paris . . . a bizarre bit of French finery full of rhetorical glitter and color but a solution to practically nothing" has come to be taken more and more seriously. This has happened, as I think, not because of Sartre's contributions but because he has served, as a lusty pygmy, to awaken interest in such stalwarts as the much-neglected Danish Kierkegaard (1813-55) and such contemporary, if contradictory, proponents of "existentialism" as the Germans Martin Heidegger and Karl Jaspers, and the Frenchman Gabriel Marcel.

Brilliant and courageous, sensitive and acute and "realistic" Sartre may well be. Certainly he writes with gusto, and all too often with a weakness for what is disgusting, lubricious, indelicate, and coarse-grained. It is not astonishing that this amoral and atheistic and pro-Communist author has been put on the *Index* of prohibited books. Recently Patricia Blake wrote from Paris (*New York Times,* Oct. 19, 1952) that "Sartre beats his breast for being too bourgeois, calling himself, among other names, 'a slimy rat.'" Mauriac seized on the phrase and headlined it for one of Paris' leading newspapers. But neither Mauriac's scorn nor Sartre's own intellectual sterility nor ecclesiastical condemnation has cost Sartre his following, either in France, where his output has been prolific, or in the United States, where, since 1946, more than twenty of his works have appeared in translation.

Quite evidently, then, Fr. Dempsey is not dealing with simply an academic, ivory-towered problem in this critique of the psychological themes and the personal psychology of Sartre. The two, Fr. Dempsey insists, must be considered together, because Sartre is not an impersonal thinking machine but an extremely sensitive and passionate personality.

Part one of the work sets forth the chief sources of Sartre's psychology, with an account of his conception of the world and man, of liberty, existential psychology, psychoanalysis, knowledge, imagination and emotion. Part two, on the negative side, amplifies the author's criticism of Sartre, while, more constructively, he faces the very real psycho-

logical problems which Sartre has vehemently raised but done so little to solve. In this section, Fr. Dempsey draws heavily upon Thomas Aquinas. He is convinced that a living, progressive, dynamic Thomism can contribute to contemporary psychology and deal fruitfully with the issues which Sartre dramatically, if vacuously, proliferates.

Take such questions as the world and man, liberty, knowledge and freedom. No investigator of human nature or existence can escape them, and the answers given are vitally important.

Regarding the world and man, Fr. Dempsey explains that Sartre accepts the "cogito" of Descartes, but rejects the Cartesian theory of body and soul as distinct substances. The substantiality of the Cartesian "mens" is replaced by a fluid, unsubstantial, *pour-soi,* or consciousness, and an Ego, that is *en-soi.* Between consciousness and the body there is an ultimate effective relation. It is one of nausea or disgust. A discreet, insurmountable nausea perpetually reveals the body to consciousness (cf. *L'Etre et le néant,* p. 404). Unacceptable as Descartes' extreme dualism proved to be, Sartre's solution of the body-mind problem and man's relation to external reality is no improvement. This Fr. Dempsey amply demonstrates, and at the same time points out the fertility of Thomistic metaphysics and psychology to face up to these problems.

Liberty is high among the watchwords of our time and leads to some consideration of the human will. If it enjoys no freedom, where then can a basis for liberty be found. Yet, according to Sartre, as Fr. Dempsey well points out, the will is actually not a privileged manifestation of liberty, but simply a psychic event with a definite structure. It is essentially a negativity, a power of nihilisation!

If this sounds a bit irrational, and inconsistent with Sartre's own continued existence and writing, some relief, perhaps, may be found in Sartre's respect for human knowledge. He insists upon the validity of the senses, as did Thomas Aquinas and many since his time; but sensation, Sartre astonishingly decides, is an invention. I see this green; I touch this cold and polished marble. The inkstand on the table is given to my knowledge immediately. So far so good. But Sartre goes on to say that sight is the *knowledge* of the inkstand, and there is no way of knowing the activity of seeing; for my senses in relation to me are unknowable!

In spite of his abominable metaphysics and quite inconsistent with them, I might add, Sartre champions human freedom, i.e., in such terms as he understands it. But in effect, and here Fr. Dempsey buttresses his criticism with the authority of the well-known French philosopher and psychiatrist, J. Boutonnier, Sartre's conception of liberty does away

with the distinction between free and neurotic activity. And the neurotic, it should be recalled, is the victim of a rigid psychic determinism; his reactions are stereotyped, far removed from the free activity of human maturity. For, as Zilboorg has emphasized (*Mind, Medicine and Man*, pp. 333 ff.), free will implies free reason, and reason cannot be free unless it functions without the impediments of neurosis or mental illness. "The free man," Fr. Dempsey concludes, "is no neurotic marionette zigzaging aimlessly down the road of destiny; he is a captain steering, with every faculty alert, the ship of human personality across a stormy sea to a heaven of rest and beatitude" (p. 167).

Fr. Dempsey's work is not merely a negative criticism of Sartre. His approach to Sartre is fair and generous-minded and painstaking. While pointing out the inadequate, if not at times unintelligible, philosophizing of Sartre, Fr. Dempsey does not leave the reader holding the tattered remnants of a pretty balloon. Thomistic philosophy allied with the findings of contemporary psychology and psychiatry, he holds, can give far more adequate answers to the problems which Sartre, with all due credit, has with a spark of genius highlighted.

This review of Fr. Dempsey's work comes a little late. It may, therefore, be thought that it has been made obsolete by such works as Collins, *The Existentialists* (1952), Reinhardt, *The Existentialist Revolt* (1952), Blackham, *Six Existentialist Thinkers* (1952), or Karl Jasper's *Way to Wisdom* (1952). These works do give evidence of the contemporary interest in "existentialism," but they do not retire Fr. Dempsey's study. His work, being much more concentrated, stands and will stand as a tribute to his scholarly research and as a challenging exposition and criticism of one aspect of Sartre's empassioned thinking. Sartre is not, and should not be, condemned as being entirely wrong. Unfortunately, he is right and clever enough to be startling and persuasive and so dismally misleading as to be disastrous, if anybody should take this champion of nihilism seriously.

JOSEPH B. MCALLISTER

THE ROSARY: A SOCIAL REMEDY. By Thomas Schwertner, O.P., Milwaukee: Bruce Publishing Co., 1952. Pp. 136. $2.75.

This is not just another devotional work on the Rosary but a well-thought-out application of one of Leo XIII's best letters: *Laetitae sanctae* (on the Rosary and the social question). Since the Church is a "training school where men are taught the truth and the method of applying it in everyday practice," Fr. Schwertner shows that recent

Popes have insisted on the Rosary as the easiest means to this end. Three influences which are affecting the downgrade of society are the distaste for a simple life of earnest, hard work, repugnance to suffering of any kind, and the forgetfulness of the future life (Leo XIII). To counteract these, Mary keeps reminding us, even by extraordinary interventions, that diligent reflection on the Rosary mysteries inculcates the exact opposite. In considerable detail, the author brings home this point chapter after chapter under practical captions entitled, for example, "The Rosary and Courage," "The Rosary and Vigilance," "The Rosary and Authority," "The Rosary and Justice," etc.

The average Catholic is often unable to give a reason for his beliefs, but the thoughtful recitation of the Rosary can dissipate that ignorance and "vitalize every shred of religious knowledge, because it operates along lines that are pedagogically sound and psychologically approved." It inspires one with "unwavering loyalty to old truths which characterizes the ages of faith." Where secular education fails to teach men to keep the ideals of youth, "the Rosary impresses upon them the fact that the only values which count in the long run are those that are eternal." Liberalism sees all authority as an insufferable restraint to the individual's freedom, but the Rosary in its quiet yet effective way "helps the individual to the full understanding of the need of authority" in the superb example of the Holy Family and the insistence of Christ on obedience even unto death.

Several times the author defends the reasonableness and psychology of repetitious vocal prayer, quoting also various non-Catholic authors who have recognized the value of the Rosary in the Catholic Church, and who have endorsed its devout recital as an efficient means of keeping the faithful in touch with the supernatural. Scattered throughout the book are choice extracts from recent Papal pronouncements as well as statements of the American Bishops made in their annual conferences. Despite its earnest tone, it by no means makes heavy reading, but is written in a style that is vigorous and stimulating, well calculated to move the reader to action. It will also prove excellent reading for communities, and offers an abundance of applications of the Rosary for homiletic purposes.

Perhaps a future edition can correct the mistake on p. 73 where there is a reference to "the Bishop of Philadelphia" when it should read "the Bishop of Laodicea." It is always better to accompany such Scriptural allusions with chapter and verse (in this instance Apoc. 3:14-16) in order to avert any eventual misunderstanding. Not everyone who reads that page will immediately have in mind the Bishop of Philadelphia in Asia Minor, to whom St. John in the Apocalypse addresses his warning. Those concerned in the editing of the book

are to be commended for their use of sub-captions throughout the chapters, and for prefacing each chapter with an apt quotation from our Holy Father, Pope Pius XII.

BERNARD J. LE FROIS, S.V.D.

THE MARCH TOWARD MATTER. By John MacPartland. New York: Philosophical Library. 1952. Pp. 80. $2.75.

This slender volume has for its theme the revolt of the modern mind against the evils of Cartesian dualism of matter and spirit, with the consequent reduction of the spiritual to the material in man's effort to get rid of the unnatural division. It is because man attributes the evils of such dualism to the immaterial that he has now reached the lowest degree in his march toward matter. Now there is even a descent of the materialized mind into the arena of the practical where wars are being waged to destroy man's body as well. By contrasting material and immaterial activity the author first tries to bring out the nature of the materialized mind. Then follows an analysis of the false problems and misconception that such a mind projects. The history of the descent since Descartes is portrayed and finally the necessity for *rapprochement* among philosophers and with God is stressed if we are to survive the onslaught of the materialized mind in the speculative and practical orders today. By *rapprochement* it is emphasized that the term is understood "not in the sense of agreement, but in the sense of entering into another point of view for the purpose of returning to oneself better able to make a critique of his own problems."

The author suggests that a *rapprochement* with Thomism, although no panacea, would be a very important step in the right direction for the reason that Thomism knows from experience "that the secret of the materialized mind is to travel incognito. "Thomism must not be accused of evils which really belong to the materialized conception of the speculative life, namely the spectator view of knowledge, the passivity of the intellect, the divorce of knowledge and action, to mention a few. Present day philosophers do not realize that the speculative view of life they are now beginning to oppose is the materialized conception of it and hence these philosophers are in danger of rejecting speculative knowledge entirely, in a word throwing out the baby with the bath. Now Thomism has been battling precisely this distortion ever since Cartesianism gave rise to it but possessing a sound speculative view of its own it is in a very advantageous position to make a valuable contribution to both the speculative and the practical order. For the evil of the materialized mind is even more evident in the latter order

where it is spreading like wildfire and enlisting armies and States under its banner.

Within the limits of a very slender volume the author has not been able to give more than a brief sketch of our present world crisis. Within that limit, however, he has written thoughtfully and well. We like especially his plea for a *rapprochement* between Thomism and contemporary philosophers. That surely is a consummation devoutly to be wished. If each group could only talk to the other rather than to itself the cause of truth by which alone men can really live as men would be advanced.

CHARLES A. HART

LE SACRIFICE DU CORPS MYSTIQUE. By Chanoine Eugène Masure. Paris: Desclée de Brouwer, 1950. Pp. 206.

It has been said, in discussing papal pronouncements, that the Popes are required to have an extraordinary care because so many more people wish to claim the Pope for their side than wish to be on his side. There is no intention of stigmatizing Canon Masure in pointing out that it was *Mediator Dei,* according to his judgment, which gave him the new support that he looked for in his theory of eucharistic sacrifice—while other-minded theologians are equally certain that it did no such thing. His identification with the Vonier-Casel "sacrament-sign" school is familiar to many *AER* readers through Dom Illtyd Trethowan's translation of *Le sacrifice du Chef,* which appeared as *The Christian Sacrifice* (Kenedy: New York, 1948). In a review article in *Orate Fratres* (Sept. 4, 1949), Dom Paschal Botz pointed out the contradiction between Masure's minimization of the significative power of the consecration of the separate species and the clear declaration of *Mediator Dei* that, "Jesus Christ is symbolically shown by the separate symbols to be in a state of victimhood" (n. 70, America Press tr.); that the "unbloody immolation of the divine Victim . . . is made manifest in a mystical manner by the separation of the sacred species . . ." (n. 115).

In his praiseworthy efforts against theories of destruction, humiliation, or any repeated immolations of Christ, the Lille theologian has battled strenuously for transubstantiation independent of and antecedent to the separation of species, and their co-presence, as sufficiently achieving representative or sacramental immolation. Billot, De la Taille, and Vonier, his spiritual forebears, had all, he thought, succumbed to this one "theological cancer" of requiring separate species for the representation. With the help of an interpretation of St. Thomas

by Père Sage, A.A. (*Année Théologique,* 1945, p. 89), he hoped to cut the growth away. The Pope seems clearly not to sustain him, yet he proceeds undaunted.

Masure says that he has no large positions to abandon, assuming the Catholic right to see Encyclicals as directive rather than terminal. *Mediator Dei,* he says, borrows the phrasing of Billot who was the restorer of the eucharistic theology of the missal, the Fathers, and Trent. The unhappy interruptors in the DeLugo-Franzelin mold are not even given the satisfaction of passing mention there (p. 12). For the believer there is first the mystery of Christ—God in the flesh as a victim for us—then the effective transmission of His grace through that chief sacrament which signifies His grace. Both as an *action* which daily accomplishes our redemption (De la Taille), and as a *rite* extending the domain of Christ's mystery, through the repetition of phrases and material elements (Casel), this efficacious sign of Calvary adds nothing to His sacrifice and leaves His victimhood unchanged. It enhances rather than detracts from His loving death; of that death it is neither the figure nor the copy but the representation. On one point Masure yields to the opposition, admitting that the term "unbloody" in the Encyclical has overtones of a formally and historically distinct immolation rather than the ritual yet same one that he argues for. He hopes, nonetheless, for further clarification (p. 31). His chief fear concerning emphasis on the separation of species remains: that by this explanation some new kind of immolation will be introduced really distinct from that of Calvary. He tries at the end to reconcile opposites by saying that the papal teaching demands the *rite* of oblation of the sacred species, not simply the *action* of transubstantiation; for the latter is an image of His death only, the former of His sacrifice. Together, His sacrificial death is re-enacted (p. 71). Subtleties aside, the book deserves an early translation for its straightforward view of sacramental representation, and its careful exegesis of some proper and ordinary prayers from the missal.

GERARD S. SLOYAN

THE LEGACY OF MAIMONIDES. By Ben Zion Bokser. New York: Philosophical Library, 1950. Pp. ix+128, with index. $3.50.

Dr. Ben Zion Bokser's *The Legacy of Maimonides* follows the current of recent works which have appeared about the man whom Jews knew as "Rambam," and Scholastics called "Rabbi Moyses" or "Moyses Aegyptius." He died in 1204, after a life of incredible activity, bitter antagonisms, religious devotion and philosophical iconoclasm. The eight

hundredth anniversary, in 1935, of his birth evoked sincere and competent, if somewhat limited, tribute to the memory of one of the greatest mediaeval thinkers. *Moses Maimonides,* edited by I. Ipstein, came out in London (1935) while in this country S. W. Baron published *Essays on Maimonides, An Octocentennial Volume,* in 1941. Previously, the best English treatment of the Jewish physician, rabbi and philosopher of Cordova and Old Cairo was probably Husik's account in his *History of Jewish Mediaeval Philosophy* (New York, 1916, and Philadelphia, 1944). In 1948, Leon Roth's *Guide for the Perplexed: Moses Maimonides* successfully outlined in a popular but scholarly way the environment from which Moses sprang and the nature of the work for which he was called. These evidences of contemporary interest in the author of the *Guide for the Perplexed* deserve attention not only from specialists but also from general readers who would like to know more about the remarkable philosophical, theological, literary, and scientific developments of the twelfth and thirteenth centuries.

Dr. Bokser, former lecturer in theology at the Jewish Theological Seminary and for the last fifteen years rabbi at New York's Forest Hills Jewish Center, brings to his interpretation of Maimonides not only enviable linguistic proficiency, controlled research, scholarship, and notable achievement but also deep sympathy and admiration for his subject. What makes his book, however, chiefly significant is its sharp focus upon the inner system of ideas revealed in Maimonides' numerous and varied writings. This is the book's avowed purpose. But incidentally and with considerable cumulative force it builds up to a strong suggestion that the twentieth century might well profit, as the twelfth and thirteenth did, from the light Moses shed upon man's perennial wonderment about the world and God, himself and his destiny.

Naturally the work of Moses most often cited by the author is the *Guide for the Perplexed,* or the *Moreh Nebuchim* (1190), which influenced not only Jewish and Moslem theologians but also such Christian teachers as Alexander of Hales, Albert the Great, Scotus and above all Thomas Aquinas. Through the latter it has continued to play a part in the Scholastic and Neo-Scholastic tradition. And through thinkers such as Spinoza and Leibniz the *Guide* has made itself felt in modern philosophy. Not so familiar or accessible but perhaps just as valuable are Moses' classic *Mishnah Torah* (1170-80), or digest of Jewish law, and his superb commentary on the Mishnah, which he worked on for ten years and which has been included in standard editions of the Talmud and the Mishnah. It is the special merit of Dr. Bokser's work that it draws not only upon these larger works but also on less known compositions, such as the *Letter on Apostasy,* the Epistle

to Yemen, the *Letter on Astrology,* the *Essay on the Resurrection of the Dead* and the *Responsa.*

Such is the material that Dr. Bokser uses for his philosophical portrait of Maimonides, prefaced by a sketch of his life and work. Chapter two takes up his ideas about man's quest for truth on the basis of reason, especially as it refers to the existence of God. Chapter three develops Moses' efforts to harmonize reason with faith as they relate to the nature of God, the eternity of the world and the possibility of miracles. Chapter four elaborates on his conception of religion as an institution and its implications in man's cultural life: Religion is not only a doctrine but a mode of existence, based upon prophecy and God's revealed word. Hence Judaism's antagonisms with Christianity and Islam and its role in the Messianic age. Chapter five concentrates upon Moses' concept of man, as both individual and social, and his place in the universe. The final chapter is a summary of Maimonides' legacy, emphasizing his rejection of naturalism in favor of God's absolute transcendence and His existence as creator and ruler of the universe.

In the face of the contemporary world's despair and secularization and its prophets of gloom, Dr. Bokser champions Maimonides' great ideal. This was not merely to utilize current scientific knowledge, with which, of course, Moses was acquainted. Nor was it the negative, if important and acute, criticism which he launched against the philosophic generalizations that some thinkers were drawing from science as they conceived it. Rather, Maimonides was concerned with cultivating truth in its dual aspects of reason and revelation. He met reason with faith, not to discredit philosophy but to safeguard it; and he met faith with reason, not to weaken religion but to strengthen it.

Naturalism, says Dr. Bokser (p. 109), is an hypothesis, an exaggeration of the method competent in the inquiries of science into a philosophy of the universe. "Reason is precious but it is insufficient in itself to guide life. There is another truth, revelation, out of which has come the decisive word about God and the universe, and about the meaning of the drama of human existence on earth. Let reason unite her strength with that of the truth which comes from revelation and as loyal allies let them both labor for the enlightenment of man. Then will man rise to his noblest destiny."

Dr. Bokser would probably be the first to deny that he has said the last word on Moses ben Maimon. But as his work stands it should prove an invaluable aid to knowing him better, especially for English-speaking readers. If occasionally the author seems over-enthusiastic about his subject, we should remember that Maimonides was not the sort of man who left his acquaintances cold. He was loved as ardently as he was hated. It was that way while he lived and so it has been